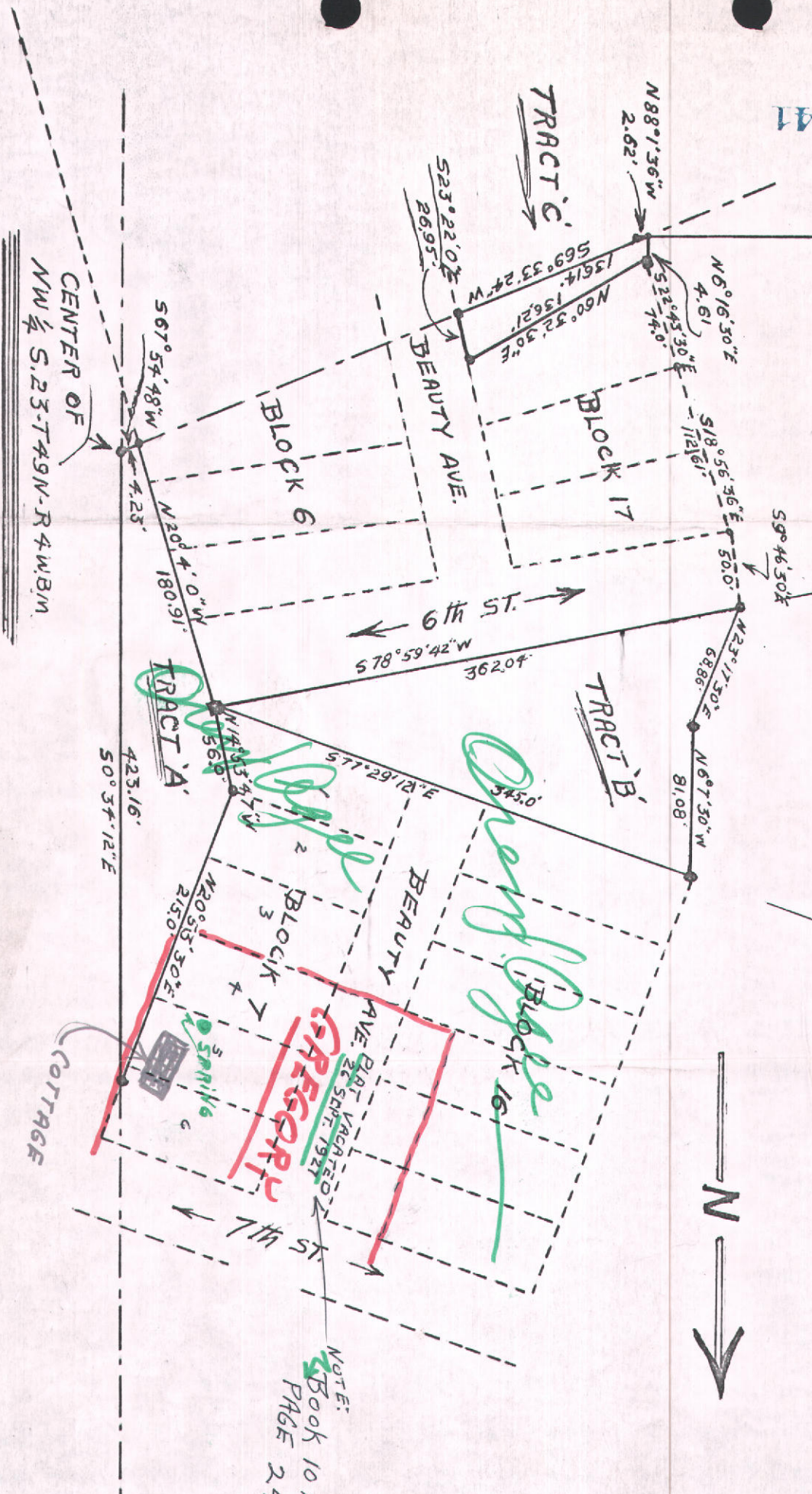


95 4041

Aug. 10, 17, 1972

Director
R. KEITH HIGGINSON
Idaho 83814.
Front Avenue, Coeur d'Alene,
Water Administration, 401
with the Idaho Department of
Any exception to this claim
of water right may be filed
4W, B.M.
Any exception to this claim
place of use is within the
priority of May, 1900; the
domestic purposes with a
used from Jan. 1 to Dec. 31 for
The water is claimed to be
4W, B.M., Kootenai County.
NW 1/4 NW 1/4, Sec. 23, T. 49N, R.
with point of diversion in the
water from an Unnamed Spring
0.03 cubic feet per second of
application to beneficial use of
established by diversion and
a claim to a water right
Coopersville, Michigan has filed
Charles A. &/or Germaine G.
Gregory, 6656 - Lenard St.,
Notice is hereby given that
NO. 95-4041

NOTICE OF CLAIM
TO A WATER RIGHT



NOTE:
Book 10 Misc.
PAGE 242

Identification No. 95-4041 ⁷⁵⁻ P

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 Charles A. and/or Germaine G. Gregory
post office address 6656 Lenard St. Coopersville, Mich. 49404
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 23 Township 49N
Range 4W B.M. located on Unnamed Spring
(name of source)
tributary to Sinks in Idaho 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:

MAY 1900 amount: .03 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet
Total claimed .03 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. (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 _____
Collection Box; length is 2 feet; height is 3 feet;
width at bottom is 2 feet; width at top is 2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
loose rocks and soil

- 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 _____

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 _____ 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

ing date and dimensions if possible

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 _____;

_____ is reservoir on or off stream

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]

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 None

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

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

Spring is located in NW NW Sec. 23, 49N-4W
More specifically Lot 5 Block 7 Delcario Bay McRea Addition

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

28th

day of

July

1972

Charles A. Gregory
Claimant

Kenneth M. Re Croff
Notary Public

Residing at

Creur d'Alene

My commission expires

May 1, 1976

For Department Use Only

Received by TE Date 7/28/72

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by TE Date 7/28/72

Rec'd 8410

Fee received by TE Date 7/28/72 Fee \$ 10.00

Approved for publication by TE

Published in CREUR D'ALENE PRESS Dates 8-10-72-12-72

95 4041

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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

AUG 18 1972

STATE OF IDAHO,

County of Kootenai,

ss.

Department of Water Administration
Northern District Office

Callie Painter

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

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *10* day of *August*, 19*72*, and ending on the

17 day of *August*, 19*72*

Subscribed and sworn to, before me, this *17* day of *August*,

19 *72*

Callie Painter
C. Patrick King

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

**NOTICE OF CLAIM
TO A WATER RIGHT**
NO. 95-4041

Notice is hereby given that Charles A. &/or Germaine G. Gregory, 6656 Lenard St., Coopersville, Michigan has 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 $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 49N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May, 1900; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 49N, R. 4W, 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

Aug. 10, 17, 1972

95 4041

August 31, 1972

Re: Claim to a Water Right No. 95-4041

Charles A. Gregory
6656 Lenard Street
Coopersville, Michigan 49404

Dear Mr. Gregory:

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 feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: copy of claim

95 4041

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

August 21, 1972

Re: Claim to a Water Right No. 95-4041 - Charles A. &/or Germaine G. Gregory

Oren J. Agee
P.O. Box 240
Coeur d'Alene, ID 83814

Dear Mr. Agee:

We are in receipt of your letter of concern filed in connection with the above referenced claim to a water right. In order for your concern to be properly evaluated, you will be required to comply with the following provisions of Section 42-225b, of the Idaho Code:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed Department of Water Administration on July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If we can be of further assistance, please contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

95 4041

Dear Sir:

RECEIVED

Water right Claim No. 95-4041 is very misleading and erroneous. ^{AUG 10 1941} My in-laws homesteaded in this area in Year 1894. The NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23; Tn 49N; R 4W. DM. was included in the ^{Department of Water Administration Northern District of Ohio} homestead. I am the owner of $\frac{7}{8}$ of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 and have owned it for the past 37 years. I am therefore interested in where the diversion of water is occurring as the notice is very broad in nature.

① The area where the spring is that Mr. Gregory has any interest in would be described as an Unnamed spring with point of diversion in what was formerly designated as LOT 5-BLOCK 7 [prior to action of vacation of plat as of 26 Sept. 1927 RECORDED in Book 10 Misc; PAGE 242]

② This portion of Section 23 was sold in JUNE 1902 DEEDS: BOOK 7-PAGE 81. No use of this water was made prior to June 1902.

③ The water has only been used during the summer since 1902.

④ Mr. & Mrs. Gregory has only used the water from 1st. week in June to the 1st. week in October for the past 30 years. They acquired the property in 1942 DEEDS: BOOK 117-PAGE 639.

⑤ The place of domestic use of the water is what was formerly designated as Lot 5 & 6 Block 7 of McCreas Addition.

⑥ The Spring is of a cylindrical shape; Curbed with natural stone. About 20" in diameter and at a depth of approx. 40 inches.

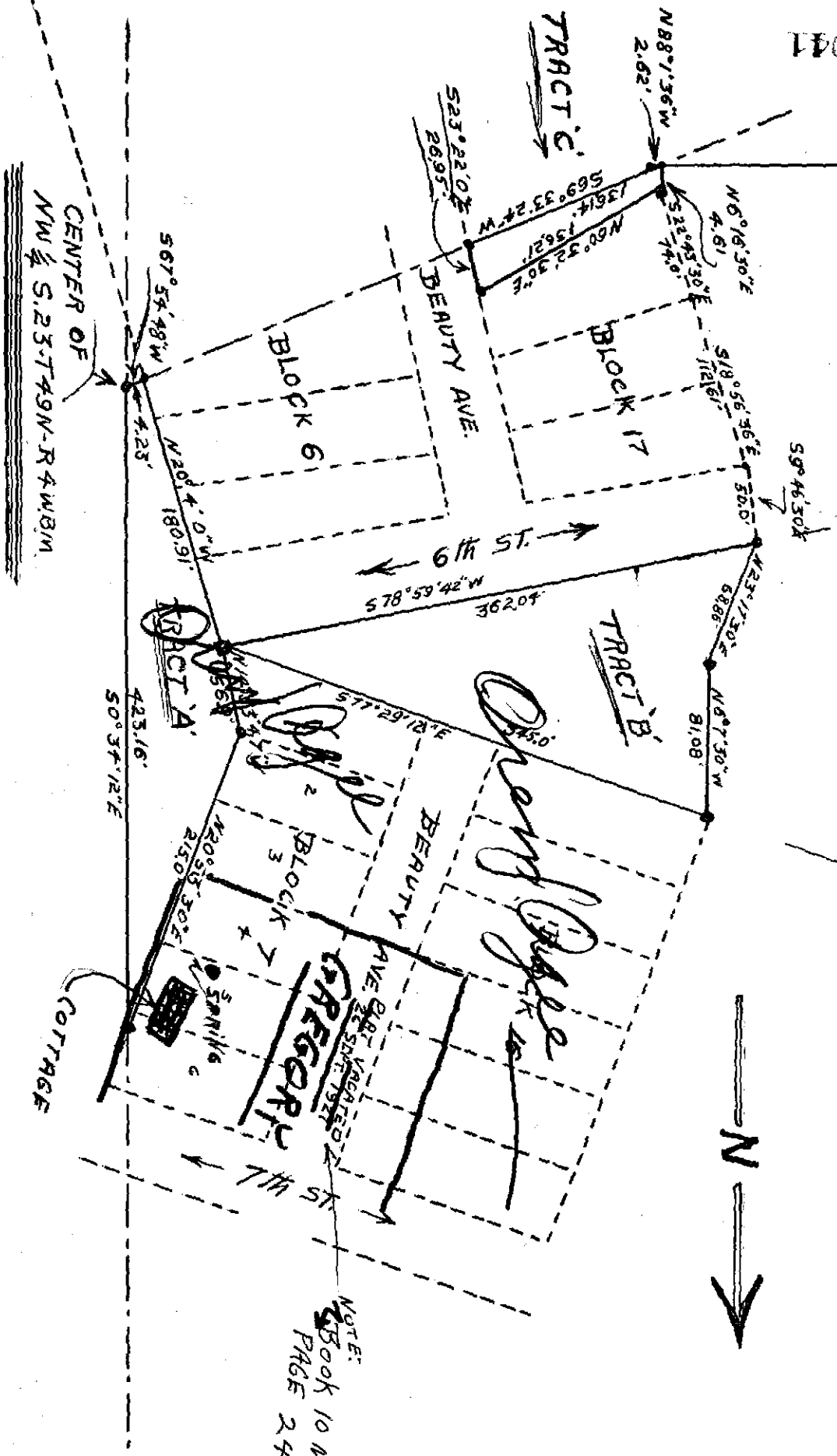
⑦ Water is conveyed for domestic purposes by means of a 2 $\frac{1}{2}$ gallon pail

⑧ The overflow from the exists only about 8 ft. beyond the Curbed up area. The output is very limited, surely the flow is not to the extent of 19000 gallon per day.

95 4041 *Anna Truitt*
Anna Truitt

95 4041

NOTICE OF CLAIM TO A WATER RIGHT
 NO. 95-4041
 Notice is hereby given that Charles A. &/or Germaine G. Gregory, 6656 Lenard St., Coopersville, Michigan has 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 NW 1/4, Sec. 23, T. 49N, R. 4W, B.M. The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May, 1900; the place of use is within the NW 1/4 NW 1/4, Sec. 23, T. 49N, R. 4W, 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
 Aug. 10, 17, 1972



NOTE:
 Book 10 Misc.
 PAGE 242

OREN J. AGEE
P.O. BOX 240
Coeur d'Alene
IDAHO-83814



Idaho Dept. of Water Administration

401 Front Ave.,

Coeur d'Alene
IDAHO

83814

55 4041

ATTN. Mr. Knoblock

August 4, 1972

Re: Application No. 95-7198
Claim No. 94-4005

Claim No. 95-4041
" " 95-4042

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
Water Resource Examiner
Northern District

Bill submitted 8-22-72 by cl

FE:CR

Enc: Legal Notices (4)

95 4041

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4041

Notice is hereby given that Charles A. &/or Germaine G. Gregory,
6656 Lenard St., Coopersville, Michigan

has filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Spring

with point of diversion in the NW¹/₄ NW¹/₄, Sec. 23, T. 49N, R. 4W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of May, 1900;
the place of use is within the NW¹/₄ NW¹/₄, Sec. 23, T. 49N, R. 4W, 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 Coeur d'Alene Press, Coeur d'Alene, Idaho

on Aug. 10 and Aug. 17, 1972

95 4041

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 95-4041**

Notice is hereby given that Charles A. &/or Germaine G. Gregory, 6656 Lenard St., Coopersville, Michigan has 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 $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 49N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of May, 1900; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 49N, R. 4W, 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

Aug. 10, 17, 1972

85 4041