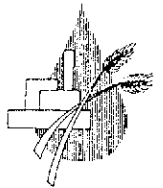


No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Harvey Kammerzell
(Name of Claimant)
DeSmet, Idaho 83824 Telephone No. 208-274-4065
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1934
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 is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Mineral Creek tributary to Hangman Creek to Spokane River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>300gpd</u>	Use <u>Stock</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 300gpd TOTAL QUANTITY USED.
(cfs, gpd, AFA)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 10 Twp. 43N Rge. 4W B.M., County of Benewah
Additional points of diversion: NW1/4 SW1/4 Sec. 10 T. 43 N. R. 4 W.B.M. Benewah Co;
SE1/4 Sec. 9 T. 43 N. R. 4 W.B.M. Benewah Co.
- 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. Describe any changes in the system and give the date of the change. No diversion works; claimant's livestock drink directly out of
mineral creek.
- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
43N	4W	10									X	X							
43N	4W	9													X	X	X	X	

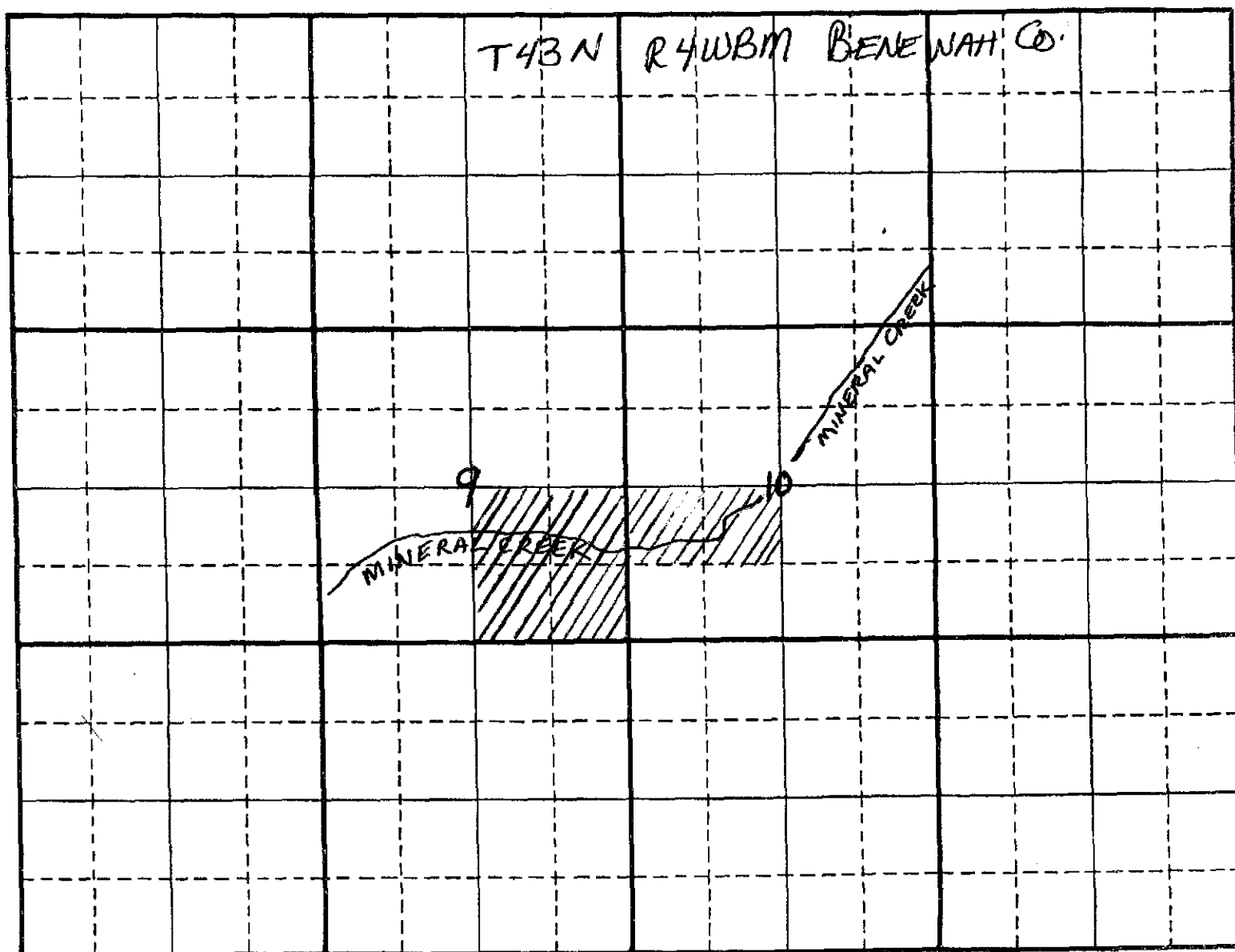
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock Watering

NOTE: Include here the type and number of stock watered: average 25 head range stock

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

(8) Remarks Claimant is aware that the filing of this claim may not be necessary, but
has, nevertheless elected to file the same.



Scale: 2 inches equal 1 mile.

Area marked diagonal  denotes place of use

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)

) ss.

County of Nez Perce)

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 affiant's knowledge.

Sworn to before me this 23rd day of August

Harvey Hammerzell
(Claimant)

Notary Public
Residing at Lewiston, Idaho

My commission expires January, 1984

FOR DEPARTMENT USE ONLY

Received by Mr. [Signature] Date 8/24/82 Exception filed by: _____ Date _____
Check by Mr. [Signature] Date 8/24/82
\$100 fee received by Mr. [Signature] Date 8/20/82 (24339)
Published in St. Martin's Gazette Book
Dates 7/15-22/82

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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...2.....issues, the first publication being on the 15.. day of ...Sept....., 19..82and the last on the 22...day of...Sept....., 19.82

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....22.. day of .Sept....., 19. 82..

Beverly A. Linn

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

Harvey Kammerzell asks OK to water claim

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

93-4021

Name: Harvey Kammerzell
Address: DeSmet, Idaho 83824
Priority Date: Jan. 1, 1934
Amount: 0.01 cubic feet per second
Source: Mineral Creek tributary to Hangman Creek
Point of Diversion: NESW NWSW Sec 10 T 43N R 04W NESE NWSE SWSE SESE Sec 09 T 43N R 04W, Benewah County
Place of Use: NESW NWSW Sec 10 T 43N R 04W NESE NWSE SWSE SESE Sec 09 T 43N R 04W
Use: Stockwater (0.01 cfs) from April 1 to Nov. 1.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN
Director

No. 6922 — Sept. 15-22.

[Handwritten signature]
9/24/82

RECEIVED

SEP 21 1982

Department of Water Resources
Northern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 93-4021 Applicant Hammerzell

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion. NONE
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Claim published correctly.
- ☐ Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 10/13/82

RECEIVED
OCT 13 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

Preparation of Index Information

001131895

RECEIVED

REACH

gov't
lot
rediv.
(R)

RGE

TWP

SEC

TRACT

IDAHO STREAM CODE INDEX

REACH

gov't
lot
rediv.
(R)

RGE

TWP

SEC

TRACT

IDAHO STREAM CODE INDEX

REACH

gov't
lot
rediv.
(R)

RGE

TWP

SEC

TRACT

IDAHO STREAM CODE INDEX

REACH

gov't
lot
rediv.
(R)

RGE

TWP

SEC

TRACT

IDAHO STREAM CODE INDEX

REACH

gov't
lot
rediv.
(R)

RGE

TWP

SEC

TRACT

IDAHO STREAM CODE INDEX

93-4021-

KAMMERZELL, HARVEY

DESMET, ID 83824

Source: MINERAL CREEK tributary to HANGMAN CREEK

Priority Date: 01/01/1934

Amount: 0.01 CFS

Diversion Point: NESW NWSW Sec 10 T 43N R 04W NESE NWSE SWSE SESE
Sec 09 T 43N R 04W, BENEWAH Co.

Use: STOCKWATER (0.01 CFS) from 04/01 to 11/01

Place of Use: NESW NWSW Sec 10 T 43N R 04W NESE NWSE SWSE SESE
Sec 09 T 43N R 04W

RECEIVED
MAY 1934

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

SEPTEMBER 27, 1982

HARVEY KAMMERZELL
DESMET

ID 83824

RE: Claim No. 93-4021

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~C. Stephen Allen~~
Director

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

August 27, 1982

Mr. John H. Bengtson
Randall, Bengtson, Cox & Risley
P. O. Box 446
Lewiston, Id. 83501

Dear Mr. Bengtson:

We have received the two claims of Mr. Kammerzell accompanied by the appropriate \$30.00 filing fee for each and have commenced processing them accordingly. However, I feel your client should be advised that the filing of a claim does not confirm the right and that the validity of one of the claims is suspect.

One of the criteria for development of a water right is that a means of diversion must exist. This department holds that this means that a man-made diversion facility is necessary to develop a water right. Since stock drinking from a stream is a natural act, this department feels that a water right cannot be developed in this fashion.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

RECEIVED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AUG 30 1982
COEUR D'ALENE, IDAHO

LAWYERS
BOLLINGER PLAZA-3RD & D STREETS
LEWISTON, IDAHO 83501
TELEPHONE 743-4526

RUSSELL S. RANDALL
JOHN H. BENGTSON
STEVE R. COX
DAVID R. RISLEY

MAILING ADDRESS:
P. O. BOX 446

RECEIVED

196 24 1982

Department of Water Resources
Northern District Office

August 23, 1982

Idaho Department of Water Resources
Rt. 5
Box 203 - Suite 1
Coeur d' Alene, Idaho 83814

Re: Kammerzell Water Right Claims

Gentlemen:

Enclosed you will find two separate forms for Claim to a Water Right filed by Harvey Kammerzell together with two checks in the amount of \$30 each as the filing fee for each of said claims.

Very truly yours

JOHN H. BENGTON

JHB: mb
Enclosures
cc: Harvey Kammerzell