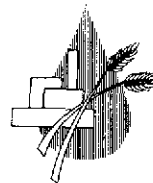


No Color  
Documents  
In File

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 Michael Brebner (Name of Claimant)  
Rt 4 Bx 32A, St. Maries, Id. 83861 (Mailing Address) Telephone No. 208-245-4301 (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) 1976

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) Groundwater tributary to \_\_\_\_\_

(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, af)            | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------------------|-------------------------------------|-------------------------------|-----------------|
|                      |                                     | (Mo., Day)                    | (Mo., Day)      |
| Quantity <u>0.04</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u> | To <u>12-31</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) 0.04 TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SW 1/4 NE 1/4, Sec. 36 Twp. 46N Rge. 24 B.M., County of Benewah  
Additional points of diversion: \_\_\_\_\_

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. Well, Pump & pipeline

(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 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|------------|-----------|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|            |           |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |       |
| <u>46N</u> | <u>24</u> | <u>36</u> |        |        | X      |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres \_\_\_\_\_

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
One home with lawn & garden irrigation

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

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

1000

Scale: 2 inches equal 1 mile.

State of Idaho )  
County of )  
ss. )  
( )

Sworn to before me this 19th day of

(Claimant)

My commission expires

Forwarded to  
claimant by:  
Date

| Received by        | Prem. check by     | Date    | \$30.00 fee received by | Date   | Published in | Dates      |
|--------------------|--------------------|---------|-------------------------|--------|--------------|------------|
| <i>[Signature]</i> | <i>[Signature]</i> | 6-27-83 |                         | 7-7-83 | 4/9/83       | 8/27-10/83 |

# 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 3rd day of August, 1983 and the last on the 10th day of August, 1983.

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.

Subscribed and sworn to before me this 11th day of Aug., 1983

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

## Claims to water filed in Benewah County

### NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

91-4128

Name: Joseph Marcea  
Address: Route 2, St. Maries, Idaho 83861  
Priority Date: June 1, 1935  
Source: Spring tributary to Sinks  
Point of Diversion: SENE Sec 07 T 46N R 02W  
In: SENE Sec 07 T 46N R 02W  
Use: Stockwater (0.01 cfs)

91-4129

Name: James and-or Ida P. Hansen  
Address: Rt. 2 Box 94, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1968  
Source: Groundwater  
Point of Diversion: SESW Sec 06 T 46N R 02W  
In: SESW Sec 06 T 46N R 02W  
Use: Domestic (0.04 cfs)

91-4130

Name: John and-or Marjorie Pugh  
Address: Rt. 2 Box 105, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1958  
Source: Spring tributary to Hells Gulch, Hells Gulch tributary to Saint Joe River  
Point of Diversion: SWSW Sec 06 T 46N R 02W  
In: NWSW SWSW Sec 06 T 46N R 02W NWSW Sec 06 T 46N R 02W for 2 Acres  
Use: Irrigation (0.06 cfs); Stockwater (0.02 cfs); Domestic (0.04 cfs)

91-4131

Name: Robert E. and-or Geraldine J. Vannatter  
Address: Rt. 2 Box 10, St. Maries, Idaho 83861  
Priority Date: October 12, 1968  
Source: Groundwater  
Point of Diversion: SENE Sec 16 T 46N R 02W  
In: SENE Sec 16 T 46N R 02W  
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

91-4132

Name: Rocky Jack and-or Beth Pugh  
Address: Rt. 2 Box 103, St. Maries, Idaho 83861  
Priority Date: Sept. 28, 1953  
Source: Hells Gulch tributary to Saint Joe River  
In: NENE NWSE SENE Sec 01 T 46N R 03W NENE NWSE Sec 02 T 46N R 03W SWSW Sec 06 T 46N R 02W NWNW Sec 07 T 46N R 02W for 305 acres  
Use: Irrigation (6.00 cfs); Stockwater (0.02 cfs); Stockwater Storage (1.0 AF); Stockwater from Storage (1.0 AF)

92-4127

Name: Owen G. and-or Bodil A. Bratvold  
Address: N.W. 213 Sunrise Dr., Pullman, Wash. 99163  
Priority Date: October 22, 1970  
Source: Unnamed Stream tributary to Carpenter Creek  
Point of Diversion: SWSE Sec 24 T 43N R 01W  
In: SWSE Sec 24 T 43N R 01W for 5 acres  
Use: Irrigation (0.10 cfs); Irrigation Storage (0.33 AF); Domestic (0.04 cfs); Fire Prot. Storage (0.33 AF)

92-4128

Name: Michael Brebner  
Address: Rt. 4 Box 32A, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1976  
Source: Groundwater  
Point of Diversion: SWNE Sec 36 T 46N R 02W  
In: SWNE Sec 36 T 46N R 02W  
Use: Domestic (0.04 cfs)

95-4086  
Name: Walter Floch  
Address: Rt. 1 Box 89, Plummer, Idaho 83851  
Priority Date: Jan. 1, 1940  
Source: Springs tributary to Plummer Creek  
Point of Diversion: SWSE NWSE Sec 32 T 46N R 04W  
In: SWSE Sec 32 T 46N R 04W SWSE NWSE Sec 32 T 46N R 04W for 10 Acres  
Use: Irrigation (0.20 cfs); Irrigation Storage (0.5 AF); Irrigation from Storage (0.5 AF); Stockwater Storage (1.5 AF)

95-4088  
Name: William J. Lowry  
Address: Rt. 1 Box 82, Plummer, Idaho 83851  
Priority Date: Jan. 1, 1942  
Source: Springs tributary to Little Plummer Creek  
Point of Diversion: NWNW Sec 33 T 46N R 04W Lot 03 Lot 04 Sec 04 T 45N R 04W  
In: NWNW Sec 33 T 46N R 04W Lot 03 Lot 04 Sec 04 T 45N R 04W NWNE Sec 33 T 46N R 04W  
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, Idaho 83814.

KEND DUNN, Dir.

No. 7189 -- Aug. 3-10.

93-4039  
Name: Dale Robert and-or Connie L. Johnson  
Address: Rt. 1 Box 18, DeSmet, Idaho 83824  
Priority Date: May 1, 1981  
Source: Groundwater  
Point of Diversion: SWNW Sec 35 T 44N R 05W  
In: SWNW Sec 35 T 44N R 05W  
Use: Domestic (0.04 cfs)

93-4040  
Name: Roganda Farms, Inc.  
Address: Star Route, Box 124, Tensed, Idaho 83870  
Priority Date: Jan. 1, 1964  
Source: Springs tributary to Sinks  
Point of Diversion: NWNW Sec 25 T 44N R 05W  
In: NWNW Sec 25 T 44N R 05W  
Use: Domestic (0.04 cfs)

93-4082  
Name: George E. Way, Jr.  
Address: Rt. 1 Box 42A, Plummer, Idaho 83851  
Priority Date: Jan. 1, 1937  
Source: Springs tributary to Plummer Creek, Little Plummer Creek tributary to Plummer Creek  
Point of Diversion: SWNE NWSE SWSE NESE SENW SWSW SESW Sec 04 T 45N R 04W SWSE Sec 05 T 45N R 04W SENE Sec 06 T 45N R 04W NWNW Sec 09 T 45N R 04W NWNW SWSW Sec 10 T 45N R 04W In: SWSW Sec 03 T 45N R 04W SWNE SESW SWSW SESW NESE NWSE SWSE Sec 04 T 45N R 04W SWSE Sec 05 T 45N R 04W SENE Sec 06 T 45N R 04W NWNW Sec 09 T 45N R 04W NWNW SWSW Sec 10 T 45N R 04W  
Use: Stockwater (0.10 cfs); Domestic (0.04 cfs)

95-4084  
Name: Muriel Jean Innes  
Address: P.O. Box 345, Plummer, Idaho 83851  
Priority Date: Jan. 1, 1953  
Source: Spring tributary to Sinks  
Point of Diversion: NWSW Sec 11 T 46N R 05W  
In: SWNW NWSW Sec 11 T 46N R 05W for 40 acres  
Use: Irrigation (0.40 cfs); Stockwater (0.02 cfs); Domestic (0.04 cfs)

92-4120  
Name: Reginald L. and-or Diann G. McDonald  
Address: Rt. 4 Box 171, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1960  
Source: Springs tributary to Sinks  
Point of Diversion: NENW Sec 33 T 44N R 02W  
In: NENW Sec 33 T 44N R 02W  
Use: Stockwater (0.02 cfs); Domestic (0.04 cfs)

92-4130  
Name: Michael J. Needham  
Address: P.O. Box 44, Santa, Idaho 83866  
Priority Date: August 1, 1970  
Source: Springs tributary to Santa Creek, South Fork  
Point of Diversion: SWSW Sec 35 T 44N R 03W  
In: SESW Sec 35 T 44N R 02E for 1 acre  
Use: Irrigation (0.02 cfs); Fish Prop. (0.04 cfs); Domestic (0.04 cfs)

92-4131  
Name: Edna M. Dawson  
Address: Rt. 4 Box 168, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1888  
Source: Santa Creek tributary to Saint Maries River, Bob Creek tributary to Santa Creek, Charlie Creek tributary to Santa Creek  
Point of Diversion: NENE NWNE Sec 33 T 44N R 02W SWSE SESE Sec 28 T 44N R 02W NWNE SENW NWSW Sec 27 T 44N R 02W  
In: NENE NWNE Sec 33 T 44N R 02W SWSE SESE Sec 28 T 44N R 02W NWNE SENW NWSW Sec 27 T 44N R 02W  
Use: Stockwater (0.04 cfs)

92-4132  
Name: Lester and-or Lucille Nelson  
Address: Rt. 1 Box 245-B, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1970  
Source: Spring tributary to Saint Maries River  
Point of Diversion: SENW Sec 35 T 46N R 02W  
In: SENW Sec 35 T 46N R 02W  
Use: Stockwater (0.02 cfs); Domestic (0.08 cfs)

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 92-4128 Applicant Baebner

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.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By KLC Date 9/12/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By DC Date 11-8-83

92-4128

BREBNER, MICHAEL

RT. 4 BOX 32A, ST. MARIES, ID 83861

Source: GROUNDWATER

Priority Date: 01/01/1976

Diversion Pt: SWNE Sec 36 T 46N R 02W

Use: DOMESTIC (0.04 CFS)

In: SWNE Sec 36 T 46N R 02W

RECEIVED

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

AUGUST 23, 1983

MICHAEL BREBNER  
RT. 4 BOX 32A  
ST. MARIES

ID 83861

RE: Claim No. 92-4128

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