

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 Emmett Tow and William E Brebner  
(Name of Claimant)  
Rt 4 Box 34A St Maries 83861 Telephone No. 245-3409  
(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) 1940

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)  
Spring tributary to St Maries 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, af)       | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------|-----------------|-------------------------------------|-------------------------------|-----------------|
|          |                 |                                     | (Mo., Day)                    | (Mo., Day)      |
| Quantity | <u>0.08 cfs</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) 0.08 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW 1/4 NE 1/4, Sec. 36 Twp. 46N Rge. 2W 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.  
pump and 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>2W</u> | <u>36</u> |        | <u>X</u> | <u>X</u> |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|            |           |           |        |          |          |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic for 2 homes

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:

1. **Introduction**  
 2. **Background**  
 3. **Methodology**  
 4. **Results**  
 5. **Discussion**  
 6. **Conclusion**  
 7. **References**  
 8. **Appendix**  
 9. **Index**  
 10. **Table of Contents**  
 11. **Figure 1**  
 12. **Figure 2**  
 13. **Figure 3**  
 14. **Figure 4**  
 15. **Figure 5**  
 16. **Figure 6**  
 17. **Figure 7**  
 18. **Figure 8**  
 19. **Figure 9**  
 20. **Figure 10**  
 21. **Figure 11**  
 22. **Figure 12**  
 23. **Figure 13**  
 24. **Figure 14**  
 25. **Figure 15**  
 26. **Figure 16**  
 27. **Figure 17**  
 28. **Figure 18**  
 29. **Figure 19**  
 30. **Figure 20**  
 31. **Figure 21**  
 32. **Figure 22**  
 33. **Figure 23**  
 34. **Figure 24**  
 35. **Figure 25**  
 36. **Figure 26**  
 37. **Figure 27**  
 38. **Figure 28**  
 39. **Figure 29**  
 40. **Figure 30**  
 41. **Figure 31**  
 42. **Figure 32**  
 43. **Figure 33**  
 44. **Figure 34**  
 45. **Figure 35**  
 46. **Figure 36**  
 47. **Figure 37**  
 48. **Figure 38**  
 49. **Figure 39**  
 50. **Figure 40**  
 51. **Figure 41**  
 52. **Figure 42**  
 53. **Figure 43**  
 54. **Figure 44**  
 55. **Figure 45**  
 56. **Figure 46**  
 57. **Figure 47**  
 58. **Figure 48**  
 59. **Figure 49**  
 60. **Figure 50**  
 61. **Figure 51**  
 62. **Figure 52**  
 63. **Figure 53**  
 64. **Figure 54**  
 65. **Figure 55**  
 66. **Figure 56**  
 67. **Figure 57**  
 68. **Figure 58**  
 69. **Figure 59**  
 70. **Figure 60**  
 71. **Figure 61**  
 72. **Figure 62**  
 73. **Figure 63**  
 74. **Figure 64**  
 75. **Figure 65**  
 76. **Figure 66**  
 77. **Figure 67**  
 78. **Figure 68**  
 79. **Figure 69**  
 80. **Figure 70**  
 81. **Figure 71**  
 82. **Figure 72**  
 83. **Figure 73**  
 84. **Figure 74**  
 85. **Figure 75**  
 86. **Figure 76**  
 87. **Figure 77**  
 88. **Figure 78**  
 89. **Figure 79**  
 90. **Figure 80**  
 91. **Figure 81**  
 92. **Figure 82**  
 93. **Figure 83**  
 94. **Figure 84**  
 95. **Figure 85**  
 96. **Figure 86**  
 97. **Figure 87**  
 98. **Figure 88**  
 99. **Figure 89**  
 100. **Figure 90**  
 101. **Figure 91**  
 102. **Figure 92**  
 103. **Figure 93**  
 104. **Figure 94**  
 105. **Figure 95**  
 106. **Figure 96**  
 107. **Figure 97**  
 108. **Figure 98**  
 109. **Figure 99**  
 110. **Figure 100**  
 111. **Figure 101**  
 112. **Figure 102**  
 113. **Figure 103**  
 114. **Figure 104**  
 115. **Figure 105**  
 116. **Figure 106**  
 117. **Figure 107**  
 118. **Figure 108**  
 119. **Figure 109**  
 120. **Figure 110**  
 121. **Figure 111**  
 122. **Figure 112**  
 123. **Figure 113**  
 124. **Figure 114**  
 125. **Figure 115**  
 126. **Figure 116**  
 127. **Figure 117**  
 128. **Figure 118**  
 129. **Figure 119**  
 130. **Figure 120**  
 131. **Figure 121**  
 132. **Figure 122**  
 133. **Figure 123**  
 134. **Figure 124**  
 135. **Figure 125**  
 136. **Figure 126**  
 137. **Figure 127**  
 138. **Figure 128**  
 139. **Figure 129**  
 140. **Figure 130**  
 141. **Figure 131**  
 142. **Figure 132**  
 143. **Figure 133**  
 144. **Figure 134**  
 145. **Figure 135**  
 146. **Figure 136**  
 147. **Figure 137**  
 148. **Figure 138**  
 149. **Figure 139**  
 150. **Figure 140**  
 151. **Figure 141**  
 152. **Figure 142**  
 153. **Figure 143**  
 154. **Figure 144**  
 155. **Figure 145**  
 156. **Figure 146**  
 157. **Figure 147**  
 158. **Figure 148**  
 159. **Figure 149**  
 160. **Figure 150**  
 161. **Figure 151**  
 162. **Figure 152**  
 163. **Figure 153**  
 164. **Figure 154**  
 165. **Figure 155**  
 166. **Figure 156**  
 167. **Figure 157**  
 168. **Figure 158**  
 169. **Figure 159**  
 170. **Figure 160**  
 171. **Figure 161**  
 172. **Figure 162**  
 173. **Figure 163**  
 174. **Figure 164**  
 175. **Figure 165**  
 176. **Figure 166**  
 177. **Figure 167**  
 178. **Figure 168**  
 179. **Figure 169**  
 180. **Figure 170**  
 181. **Figure 171**  
 182. **Figure 172**  
 183. **Figure 173**  
 184. **Figure 174**  
 185. **Figure 175**  
 186. **Figure 176**  
 187. **Figure 177**  
 188. **Figure 178**  
 189. **Figure 179**  
 190. **Figure 180**  
 191. **Figure 181**  
 192. **Figure 182**  
 193. **Figure 183**  
 194. **Figure 184**  
 195. **Figure 185**  
 196. **Figure 186**  
 197. **Figure 187**  
 198. **Figure 188**  
 199. **Figure 189**  
 200. **Figure 190**  
 201. **Figure 191**  
 202. **Figure 192**  
 203. **Figure 193**  
 204. **Figure 194**  
 205. **Figure 195**  
 206. **Figure 196**  
 207. **Figure 197**  
 208. **Figure 198**  
 209. **Figure 199**  
 210. **Figure 200**  
 211. **Figure 201**  
 212. **Figure 202**  
 213. **Figure 203**  
 214. **Figure 204**  
 215. **Figure 205**  
 216. **Figure 206**  
 217. **Figure 207**  
 218

Scale: 2 inches equal 1 mile.

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 ) 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 affiant's knowledge.

affiant's knowledge.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public  
Residing at \_\_\_\_\_

*[Handwritten signature]*

FOR DEPARTMENT USE ONLY

Forwarded to \_\_\_\_\_  
Date \_\_\_\_\_  
claimant by: \_\_\_\_\_

Date 5/4/83 5/4/83 5/4/83  
 Date 5/4/83 5/4/83 5/4/83  
 Date 5/4/83 5/4/83 5/4/83  
 Exception 5/4/83 5/4/83 5/4/83

6/5/58/7

## 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 8<sup>th</sup> day of June, 1983 and the last on the 15<sup>th</sup> day of June, 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.

*JoJane Hammes*

Subscribed and sworn to before me this 17<sup>th</sup> day of June, 1983

*Sharon D. Black*

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

95-4610

Name: Kermit Ellis  
Address: Rt. 1, Box 157, Plummer, Idaho 83851  
Priority Date: July 24, 1972  
Source: Groundwater  
Point of Diversion: NENE Sec 09 T 46N R 04W  
In: NENE Sec 09 T 46N R 04W  
Use: Stockwater (0.0110 cfs);  
Domestic (0.08 cfs)

95-4612

Name: Jerome Allison Tuttle  
Address: Rt. 1, Box 82J, St. Maries, Idaho 83861  
Priority Date: Sept. 28, 1979  
Source: Groundwater  
Point of Diversion: SESW Sec 28 T 46N R 03W  
In: SESW Sec 28 T 46N R 03W  
Use: Domestic (0.04 cfs)

95-4622

Name: Fern Agte  
Address: Rt. 1, Box 92, Plummer, Idaho 83851  
Priority Date: Jan. 1, 1923  
Source: Spring tributary to Sinks  
Point of Diversion: SWNW Sec 15 T 46N R 04W  
In: SWNW Sec 15 T 46N R 04W  
Use: Domestic (0.04 cfs)

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

Ken Dunn, Dir.

No. 71 June 8-15.

RECEIVED

JUN 20 1983

Department of Water Resources

## Several file claims to water rights

### NOTICE OF CLAIMS TO WATER RIGHTS

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

91-4109

Name: Roland and-or Doris LeCoultre  
Address: Rt. 2 Box 14, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1910  
Source: Spring tributary to Saint Joe River  
Point of Diversion: Lot 01 Sec 16 T 46N R 02W  
In: SWNE Sec 16 T 46N R 02W for 3 acres  
Use: Irrigation (0.09 cfs);  
Domestic (0.04 cfs)

91-4110

Name: Sandra Brebner  
Address: Rt. 3 Box 10M, St. Maries, Idaho 83861  
Priority Date: Nov. 10, 1962  
Source: Spring tributary to Saint Joe River  
Point of Diversion: NENE Sec 16 T 46N R 02W  
In: NENE SENE Sec 16 T 46N R 02W  
Use: Domestic (0.12 cfs)

92-4118

Name: Emmett Tow; William E. Brebner  
Address: Rt. 4 Box 34A, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1940  
Source: Spring tributary to Saint Maries River  
Point of Diversion: NWNE Sec 36 T 46N R 02W  
In: NWNE SWNE Sec 36 T 46N R 02W  
Use: Domestic (0.08 cfs)

92-4119

Name: Trueman G. and-or Bernice Spooner  
Address: Rt. 4 Box 81, St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1898  
Source: Spring tributary to Flat Creek  
Point of Diversion: NENW Sec 20 T 45N R 01W  
In: NENW Sec 20 T 45N R 01W for 2 acres  
Use: Irrigation (0.04 cfs);  
Domestic (0.04 cfs)

93-4025

Name: Free Methodist Church  
Address: Columbia River Conference, Star Route, Box 76A, Tensed, Idaho 83870  
Priority Date: Jan. 1, 1936  
Source: Indian Creek tributary to Hangman Creek  
Point of Diversion: SWSE Sec 35 T 44N R 04W  
In: SWSE 35 T 44N R 04W for 3 acres  
Use: Irrigation (0.06 cfs);  
Irrigation Storage (3.0 AF);  
Irrigation from Storage (3.0 AF);  
Recreation Storage (3.0 AF); Fire Prot. Storage (3.0 AF); Fire Prot. from Storage (3.0 AF)

93-4026

Name: Free Methodist Church  
Address: Columbia River Conference, Star Route, Box 76A, Tensed, Idaho 83870  
Priority Date: Jan. 1, 1920  
Source: Groundwater  
Point of Diversion: SWSE Sec 35 T 44N R 04W  
In: SWSE Sec 35 T 44N R 04W  
Use: Domestic (0.02 cfs)

94-4184

Name: Ken Weaver  
Address: 106 Riverdale St., St. Maries, Idaho 83861  
Priority Date: Jan. 1, 1943  
Source: Saint Joe River tributary to Coeur d'Alene Lake  
Point of Diversion: SENE Sec 14 T 46N R 02W  
In: SENE Sec 14 T 46N R 02W for 20 acres  
Use: Irrigation (0.40 cfs)

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RYS

Right Number 92-4118

Applicant Tow E. Brebner

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 \_\_\_\_\_ Date \_\_\_\_\_

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/9/83

MICROFILMED

RECEIVED  
AUG 8 1983  
Department of Water Resources

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

JUNE 13, 1983

EMMETT TOW  
WILLIAM E. BREBNER  
RT. 4 BOX 34A  
ST. MARIES ID 83861

RE: Claim No. 92-4118

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