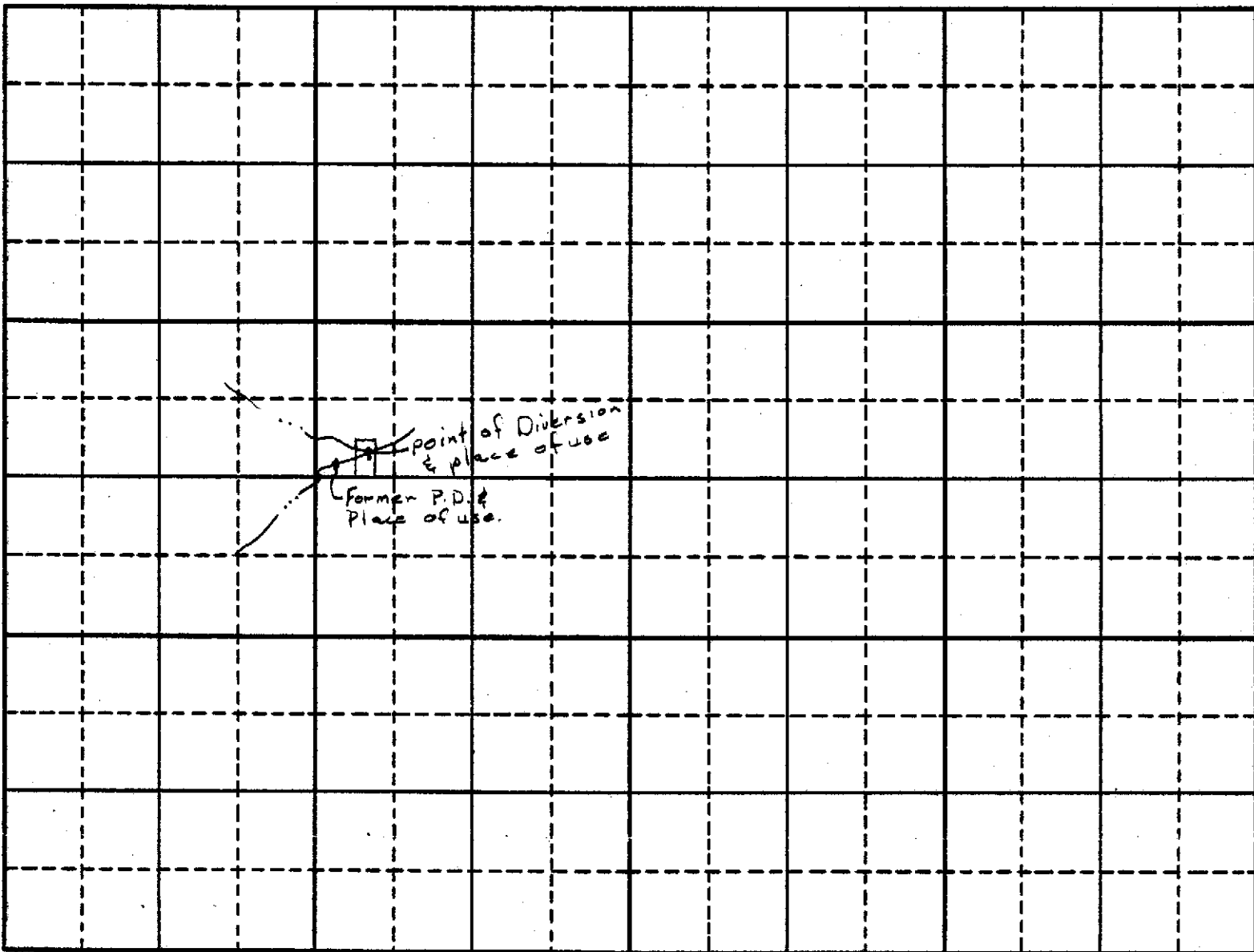


No Color
Documents
In File

2

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

(8) Remarks This water right was developed in 1970 a short distance upstream from its present location



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)
) ss.
County of Beneva)

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 11th day of January, 19 78.

Marty W. Dickinson
(Claimant)

Jay M. Johnson
Notary Public

Residing at Fernwood

My commission expires April 1, 1978

For Department Use Only

Received by SDW Date 1-12-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KK Date 1/12/78 claimant by: _____
\$10.00 fee received by SDW Date 1-12-78 (9520)
Approved for publication by SDW
Published in St. Marcus Gazette Record
Dates 1-26 + 2-1-78

Affidavit 2-3-78 OK SDW

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 two issues, the first publication being on the 26th day of February, 1978, and the last on the 2nd day of February, 1978.

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 3rd day of February, 1978.

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 92-4013

Notice is hereby given that Monty W. Dickinson, Box 265, Fernwood, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from unnamed stream tributary to little Carpenter Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T43N, R1W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stockwater (0.02 cfs) with a priority of 1970; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T43N, R1W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on January 26 and February 1, 1978.
No. 5160 — Jan. 26 - Feb. 2

OK
SW
2-3-78



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

COEUR D'ALENE, IDAHO 83814

NORTHERN DISTRICT

4055 Government Way

667-6484

February 13, 1978

Re: Claim to a Water Right No. 92-4013

Mr. Monty W. Dickinson

Box 265

Fernwood, Id 83830

Dear Mr. Dickinson:

The Department of Water Resources 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 our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

MILKOUT LIMITED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 19, 1973

RE: Application No. 92-7040 & 92-7041
Claim No. 92-4013

St Maries Gazette Record
PO Box 367
St Maries, Id 83851

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill reviewed
2-3-78
OK
SDW*

12-19-73

NOTICE OF CLAIM TO A WATER RIGHT

NO. 92-4013

Notice is hereby given that Monty W. Dickinson

Box 265 Fernwood, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.06 cubic feet per second ~~gallons per minute~~
of water from unnamed stream tributary to little Carpenter Creek
with point of diversion in the SW¹/₄NW¹/₄, Sec 13, T43N, R1W. B.M. Benewah
County

The water is claimed to be used from Jan 1 to Dec 31 for domestic
(0.04 cfs) and stockwater (0.02 cfs)

with a priority of 1970;
the place of use is within the SW¹/₄NW¹/₄, Sec 13, T43N, R1W B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the St. Maries Gazette Record, St. Maries, ID
on January 26 and February 1, 1978

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

January 12, 1978

Re: Application No. 92-7040
Claim No. 92-4013

Mr. Monty W. Dickinson
Box 265
Fernwood, ID 83830

Dear Mr. Dickinson:

Attached is your receipt No. 9520 in the amount of \$ 35.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Alea Beito
Secretary

AB

Attachment

MICROFILMED

June 12, 1973

Mr. Robert D. Dellwo
DELLWO, RUDOLF & GRANT
Attorneys for Coeur d'Alene Tribe
1016 Old National Bank Building
Spokane, Washington 99201

Re: Application No. 92-7013 - Floyd J. Thompson
Application No. 93-7004 - Milford C. Manes
Claim Nos. 95-4083 and 95-4084 - William Morris

Dear Mr. Dellwo:

This acknowledges the receipt of your letter dated June 1, 1973, relative to Application Nos. 92-7013 and 93-7004 and Claim Nos. 95-4083 and 95-4084. I assume that you wish the objection of the Coeur d'Alene Tribe to be made a matter of record and that you desire a hearing to be held concerning the two applications for permit. You should understand that there is no hearing in connection with claims to water rights, since they are filed for record purposes only and no action is required by this office. In connection with your letter, there are several items with which this office cannot agree.

- (1) You indicate that it is a "fact that the water rights of the tribe to the waters involved are superior to and prior in time to any jurisdiction of the State of Idaho." We do not know and you do not know it to be a fact that the tribe does have any water right to the waters involved. We therefore cannot act upon your contention that the tribe has any claim at all on the waters in question.
- (2) You suggest that we direct the attention of the applicants to the extent and nature of the Indian water rights. I would be most happy to do so if anyone could tell me what the extent and nature of such rights were. Until such time as the rights have been identified and quantified by the court, we are not in a position to direct anyone's attention to them.
- (3) You suggest that we confer with the Attorney General's Office and obtain his advice, which you believe will show that whatever right the tribe has will in no way be affected by administrative action of this office. I am happy to advise you that I have conferred with the Attorney General's Office and am advised that the actions of this office cannot be controlled or affected by any claim of water right by the Indian tribe, no matter how ridiculous or inflated that claim may be.

Mr. Robert D. Dellwo

Page 2

June 18, 1973

What I'm trying to say, Mr. Dellwo, is that just because the Indians claim a particular right does not establish the fact that such a right exists. I would hasten to add that the State of Idaho and this office recognizes that the Indians are entitled to water use with a priority as of the date of the reservation. However, it is our understanding that that right is only for the purpose for which the reservation was created. Since a major portion of the original reservation lands have now passed out of tribal trust status, it is our contention that no reservation water right can now exist, except on the remaining portion of the land.

Please advise us if you wish a formal hearing to be held concerning the Thompson and Manas applications for permit.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl