

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 2nd day of June, 1977 and the last on the 9th day of June, 1977.

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 10th day of June, 1977...

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 92-4009

Notice is hereby given that Thomas C. Morris, 910 Highland Drive, St. Maries, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1 gallon per minute of water from an unnamed stream with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T46N, R2W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater and recreation with a priority of 1964; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T46N, R2W, 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 June 2 and June 9, 1977.
No. 4859 — June 2 - June 9

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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.

Notice is hereby given that Thomas C. Morris 245-2523
(name of claimant)
of 910 Highland Drive, St. Maries, ID, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) See Exhibit "A"
_____, tributary to, _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: **See Exhibit "A"**

Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) See Exh. b. & A

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25 Twp. 46N Rge. 2W B. M. County of Benewah
 Additional points of diversion: none

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. See Exhibit "A"

- (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.

[illegible]

Total No. of acres _____

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

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

(8) Remarks _____

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 Benewah)

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.

Thomas Morris
(Claimant)

Sworn to before me this 12th day of May, 19 77.

Dwight L Brown
Notary Public
Residing at Plummer, Idaho

My commission expires Life

For Department Use Only				
Received by <u>B</u>	Date <u>5-13-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>TK</u>	Date <u>5-19-77</u>		claimant by:	
\$10.00 fee received by <u>TK</u>	Date <u>5-19-77 (5515)</u>			
Approved for publication by <u>TK</u>	<u>5-19-77</u>			
Published in <u>St. Louis Gazette Record</u>				
Dates <u>6-24-77</u>				
<u>6-14-77 OK. P</u>				

Exhibit "A"

No. 1.

Located on a small creek which flows onto my land from a culvert under Highway 95A, my land lying South of Highway 95A. Said creek runs in a southerly direction and is located on or near the East line lying South of Highway 95A of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Twenty-five (25), Township Forty-six (46) North, Range Two (2) West, Boise Meridian, County of Benewah, State of Idaho. This creek empties into another small creek which is located in the above referred to quarter section and flows in a general north-westerly direction parallel with and South of Highway 95A which creek is a tributary of and empties into the St. Maries River, Benewah County, State of Idaho

No. 2.

I acquired ownership of this land in 1964. From that time on, my family and myself, lessees, guests, and invitees have used this creek for recreational purposes, enjoying a stream of clear, clean flowing water, watering of livestock, waters in the area from the creek flood a rather large portion which furnishes irrigation for abundant grass growth, certain domestic uses such as furnishing water for washing of one's body, shoes, etc. The exact amount of water used since 1964 annually would be hard to estimate. The number of livestock has varied from twenty (20) or more head to as low as six (6); however, this has been constant every day use since 1964. The water has always been clear, clean and of high quality, more than adequate for livestock consumption and possibly human consumption. I would estimate in order to have the water clean and clear and not stagnant, there would have to be a flow of a minimum of one gallon per minute.

No. 5.

A type of diverting works consists of small holes or earthen dams so that the livestock can drink therefrom

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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 10th day of June, 1977...

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

NOTICE OF CLAIM TO A WATER RIGHT No. 92-4009

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The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater and recreation with a priority of 1964; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T46N, R2W, 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 June 2 and June 9, 1977.
No. 4859 — June 2 - June 9

OK 6/14/77

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

Source

Point of Diversion

County

Quantity of Water and Period of Use

Description of Diverting Works

Time required for B/U of water

Place of Use or Acres Irrigated

Map

Signature

Fee

(1) _____

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

RHS

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

Approve _____ Deny

Proposed Priority

Reason for Reduction

Measuring device required

See attached sheet for other conditions of
approval

No special conditions for approval

(15) District _____ By _____ Date _____

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D' ALENE, IDAHO 83814

June 14, 1977

RE: Claim No. 92-4009

Thomas C Morris
910 Highland Dr
St Maries, Id 83861

Dear Mr Morris,

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

May 26, 1977

RE: Claim No. 92-4009

St Maries Gazette Record
PO Box 367
St Maries, Id 83861

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:cp

Enc: Legal Notice(s)

MICROFILMED

6-14-77
[Handwritten signatures and initials]



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D'ALENE, IDAHO 83814

May 19, 1977

RE: Claim No. 92-4009

Thomas C Morris
910 Highland Dr
St Maries, Id 83861

Dear Mr Morris,

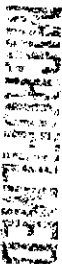
Attached is your receipt No. 5515 in the amount of \$10.00 for the filing fee on the above referenced item which was received in this office.

Sincerely,

Alea Beito
Secretary

AB

Attachment



NOTICE OF CLAIM TO A WATER RIGHT

NO. 92-4009

Notice is hereby given that Thomas C Morris

910 Highland Drive, St Maries, Id

has filed a claim to a water right established by diversion and application
to beneficial use of 1 ~~cubic feet per second~~ gallons per minute

of water from an unnamed stream

with point of diversion in the SE1/4 Sec 25, T46N, R2W, B.M. Benewah County

The water is claimed to be used from Jan 1 to Dec 31
for stockwater and recreation

with a priority of 1964;
the place of use is within the SE1/4 Sec 25, T46N, R2W, 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

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