

RECEIVED

Affidavit of Publication

AUG 20 1973

STATE OF IDAHO
County of Benewah, ss.

Department of Water Administration
Northern District Office

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 9th day of August, 1973 and the last on the 16th day of August, 1973.

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 17th day of August, 1973

Ora Lyon

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

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 92-4002

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 135 gallons per day of water from a creek, tributary to the St. Maries River with a point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 46N, R. 2W, Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of 1943 the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 46N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on August 9 and August 16, 1973.

No. 2703 — Aug. 9-Aug. 16

92 4002

ST. MARIES

Gazette Record

ST. MARIES IN THE PINES
ON THE SHADY ST. JOE RIVER

P. O. BOX 667 ST. MARIES, IDAHO

RECEIVED

AUG 20 1973

STATE OF IDAHO DEPT. OF WATER ADMINISTRATION
Northern District Office
401 Front Ave., Rm. 209
Coeur d' Alene, Idaho 83814

Department of Water Administration
Northern District Office

8-17-73

First Week	Second Week	Third Week	Fourth Week	Fifth Week	Total Inches	Amount

NET ADVERTISING\$.....

JOB WORK, LEGALS, CLASSIFIED, ETC.

INVOICE TOTAL \$.....

RE: Claim No. 9204002 - Thomas C. Morris - - 12.60
(August 9 - August 16, 1973)

92 4002

DISCOUNT !!

\$..... if paid in full by TENTH

TOTAL THIS MONTH ...\$...12.60

ACCOUNT FORWARD ...\$.....

TOTAL ACCOUNT DUE ...\$...12.60

92
Identification No. 92-4002 1
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Thomas C. Morris
post office address 910 Highland Drive St. Maries, Idaho
2. The point of diversion is in SE 1/4 of SW 1/4 of Section 25 Township 46 North
Range 2 W. B.M. located on a small creek which flows in a general northwesterly
direction parallel with and South of Highway 95A (Way of source)
tributary to St. Maries River in Benewah County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: See Exhibit "A"

_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works: See Exhibit "A"
 - a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

92 4002

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

Non - Applicable

[illegible]

EXHIBIT "A"

No. 3 For at least 30 years of my own knowledge this small creek has furnished the owners of the above described land water for watering their livestock. I acquired ownership of this land in 1964. From that time on either I or lessees used this creek for watering their livestock. The livestock consists of cattle and horses. The exact amount of cattle and horses varied from time to time but was never less than 10 head and for the most part would average over 15 head of livestock. I would have no way of knowing the exact amount of water consumed by these animals. I would assume that you would have to base it upon average consumption of a horse or cow. In examining the horse literature, livestock literature, it would appear that an average horse or cow would consume not less than nine gallons per day. Therefore based on an average of 15 head since 1964, the minimum amount of water used continuously from that date until present, and all expectations the use will continue not less, but more, for a total of 135 gallons per day.

No. 4 The type of diverting works consists of small holes or earthen dams so that the livestock can drink therefrom.

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered Approximately 15 horses and 3 or more cows

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied Non-Applicable

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. See 9

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation This creek in addition to furnishing water for my livestock and/or people who lease my land for the use of their livestock, gives a great deal of pleasure to my family for picnic use, wading and generally enjoying the small stream flowing through your land. Also having this stream which flows for approximately one - quarter mile on my land adds to its present and future potential as home building sites.

State of Idaho

County of Benewah

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 affiants knowledge.

Ronald J. Jones
Claimant

Sworn to before me this 24 day of July, 19 73.

Law M. Renfrew
Notary Public

Residing at St. Maries, Idaho

My commission expires Feb 10, 1976

For Department Use Only

Received by MT Date 7-26-73

Exception filed by:

Forwarded to claimant by:

Date

Prelim. check by MT Date 7-26-73

Fee received by MT Date 7/25/73 Fee \$ 10.00

Approved for publication by EB

Published in ST. MARIES Dates 8-8-73
GAZETTE RECORD

8-15-73

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INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.

2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.

3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	acre feet		

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

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Subscribed and sworn to before me this 17th day of August, 1973

Ora Lyon
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Residing at St. Maries, Idaho

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The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of 1943 the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 46N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on August 9 and August 16, 1973.

No. 2703 — Aug. 9-Aug. 16

92 4002

September 11, 1973

RE: CLAIM TO A WATER RIGHT NO. 92-4002

Mr. Thomas C. Morris
910 Highland Drive
St. Maries, Idaho 83861

Dear Mr. Morris:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

92 4002

August 3, 1973

Re: Claim No. 92-4002 - Thomas C. Morris

St. Maries Gazette Record
P.O. Box 367
St. Maries, ID 83861

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 8-27-73 by el

FE:CR

92 4002

Enc: Legal Notice

ST. MARIES

Gazette Record

ST. MARIES IN THE PINES
ON THE SHADOWY ST. JOE RIVER
P. O. BOX 667 ST. MARIES, IDAHO

RECEIVED

AUG 20 1973

* STATE OF IDAHO DEPT. OF WATER ADMINISTRATION *

Northern District Office

401 Front Ave., Rm. 209

Coeur d' Alene, Idaho 83814

Department of Water Administration
Northern District Office

8-17-73

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(August 1 - August 16, 1973)

92 4002

DISCOUNT !!

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ACCOUNT FORWARDED ...\$.....

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has filed a claim to a water right established by diversion and application

to beneficial use of ~~135 /~~ ^{gallons per day} ~~cubic feet per second~~ ^{acre feet per annum} ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~

of water from ~~a creek, tributary to the St. Maries River~~

with point of diversion in the ~~SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 46N, R. 2W,~~

~~Benewah County~~

The water is claimed to be used from ~~Jan. 1 to Dec. 31 for stockwatering~~

~~purposes~~

with a priority of ~~1943~~;

the place of use is within the ~~SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 46N, R. 2W, B.M.~~

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the ~~St. Maries Gazette Record, St. Maries, Idaho~~

on ~~August 8~~ and ~~August 15, 1973~~

92 4002

August 3, 1973

Re: Claim to a Water Right No. 92-4002

Thomas C. Morris
910 Highland Drive
St. Maries, ID 83861

Dear Mr. Morris:

Attached is your receipt No. 11417 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enclosure

92 4002