



Robins Bros

92 4000

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 ~~August~~, 1971 and the last on the ~~2nd~~ day of ~~September~~, 1971.

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 ^{3rd} day of ~~August~~ ^{September}, 1971.

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

NOTICE OF CLAIM
TO A WATER RIGHT
No. 92-4000

Notice is hereby given that O. B. & P. J. Robins, P.O. Box 125, Santa, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring, tributary to Sheep Ck. thence St. Maries River with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 44N, R. 1W, B.M., Benewah County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering and domestic purposes with a priority of May, 1952; the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 44N, R. 1W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record, St. Maries, Idaho on Aug. 26 and Sept. 2, 1971.
No. 2158

RECEIVED

SEP 3 1971

Department of Water Administration

92 4000

Identification No. _____

Claim No. 92-4000

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 O. B. & P. J. Robins
post office address P. O. Box #125, Santa, Idaho 83866

2. The point of diversion is in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 28 Township 44N
Range 1W B.M. located on unnamed spring
(name of source)

tributary to Sheep Creek - Trib St. Maries Rv. 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:

<u>May, 1952</u>	amount: <u>0.02</u>	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 <u>domestic</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(both dates inclusive)
use <u>stock</u>	period of use from <u>Jan. 1</u> to <u>Dec. 31</u>	(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:

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 _____

spring with storage tank composed of concrete and covered with concrete with
removable concrete lid.

b. Underground water diverting works: is well flowing or pumped both ; depth of well is 8 feet; diameter of well is 44 inches; type of pump is shallow well and /
capacity of pump is _____ g.p.m.; name and address of well driller is domestic pressure system

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c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet;

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____;

maximum length of pipe line to first place of use is 1600 feet; diameter of pipe line is 1 inches;

type of pipe plastic; grade of pipe per 1000 feet is varied

Please explain any changes or increase in size of conveying system since water was first appropriated, giving-

ing date and dimensions if possible. pipe line lengthened and changed from $\frac{3}{4}$ inch steel to one inch plastic when house was built in 1966. From wooden box to 8 x 44" concrete tank

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

_____ year construction commenced _____; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____;

is reservoir on or off stream _____ explain _____

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

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____ tank was enlarged when concrete work was done.

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

b. Do you get water through a ditch owned by several users? NO 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 _____
2 to 4 heads of horses during the year

7. Where water is used for domestic or municipal purposes give number of families served 1
name of town supplied _____

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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
We have used water from this spring continuously for 19 years. It was used for a
number of years before this by the former owner, Arthur Gerchel, now deceased.

The spring is located just about 50 feet south of our property line on P. F. I.
land. We have permission to use and develop the spring as we see fit from P. F. I.

Map accompanies this application.

State of Idaho }
County of Benevolence } 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.

Sworn to before me this 3rd day of August, 1971.

J. B. Robins
Claimant

Lucille Sherrard
Notary Public

Residing at _____
NOTARY PUBLIC for the State of Idaho
Residing at Fernwood, Idaho
My commission expires June 12, 1972

My commission expires _____

For Department Use Only

Received by <u>[Signature]</u>	Date <u>8/4/71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>[Signature]</u>	Date <u>8-4-71</u>	_____	_____	_____
Fee received by <u>[Signature]</u>	Date <u>8-3-71</u>	Fee \$ <u>10.00</u> # <u>7433</u>	_____	_____
Approved for publication by <u>[Signature]</u>	_____	_____	_____	_____
Published in <u>St. Maries Gazette</u>	Dates <u>8-25-71-71</u>	_____	_____	_____
<u>Record</u>	_____	_____	_____	_____

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.



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WINDY
CHILLY
Spring

Robins Birds

92 4000

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 20th day of August, 1971 and the last on the 2nd day of September, 1971.

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 3rd day of September, 1971.

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

NOTICE OF CLAIM
TO A WATER RIGHT
No. 92-4000

Notice is hereby given that O. B. & P. J. Robins, P.O. Box 125, Santa, Idaho has filed a claim for a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an unnamed spring, tributary to Sheep Creek, St. Maries River with point of diversion in the NW 1/4 Sec. 28, T. 44N, R. 1W, B. M. Benewah County. The water is claimed to be used from Jan. 1 to Dec. 31 for stock watering and domestic purposes with a priority of May, 1952; the place of use is within the NW 1/4 Sec. 28, T. 44N, R. 1W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

W. H. GIGGINSON
Director
Published in the St. Maries Gazette Record, St. Maries, Idaho on Aug. 26 and Sept. 2, 1971.
No. 2158

RECEIVED

SEP 3 1971

Department of Water Administration

92 4000

September 15, 1971

Re: Claim to a Water Right No. 92-4000

O. B. & P. J. Robins
P. O. Box 125
Santa, Idaho 83866

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b of the 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 your 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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Copy of claim

92 4000

August 18, 1971

Re: Claim No. 92-4000 - O. B. & P. J. Robins

St. Maries Gazette Record
P.O. Box 367
St. Maries, Idaho 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 date. 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,

Donald W. McEldowney
Appropriation Supervisor

92 4000

DWM:cr

Enc: Legal Notice

Bill submitted 9-8-71 By de

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AUG 27 1971

Department of Water Administration

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 92-4000

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R. KEITH HIGGINSON
Director

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No. 2158

O.K.
8-27-71
B.B.

92 4000

August 11, 1971

O. B. Robins
P. O. Box 125
Sante,
Idaho 83866

Dear Mr. Robins:

Attached herewith is your receipt No. 7433 in the amount of \$ 10.00
for your claim to water right application
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

92 4000

July 28, 1971

Mr. O. B. Robins
Post Office Box #125
Santa, Idaho 83866

Dear Mr. Robins:

We are returning your claim to a water right and personal check #92-170 in the amount of \$10.00.

The claim as submitted is improperly filled out and it is not acceptable to this Department. We have, therefore, re-typed the claim for your convenience. Please review it carefully and if you find it to be acceptable, return it with the \$10.00 fee and we shall continue with its processing.

If you should have any questions, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enclosures

92 4000