

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4017

Notice is hereby given that Wayne & Roy Heimgartner, Juliaetta, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an Unnamed Spring, tributary to Pine Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic & Stockwatering purposes; & from May 15 to Oct. 1 for the irrigation of 2 acres with a priority of June, 1930; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, 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 Lewiston Morning Tribune, Lewiston, Idaho, on Sept. 14 and Sept. 21, 1972.

STATE OF IDAHO, }
County of Nez Perce } ss.

DN Sinclair

, being duly sworn
deposes and says, I am the Office Manager
of the Tribune Publishing Company, a corporation organized
and existing under and by virtue of the laws of the State of
Idaho, publishers of the LEWISTON MORNING TRIBUNE, a
newspaper of general circulation published at Lewiston, Nez
Perce County, Idaho; That the said Lewiston Morning Tribune
is an established paper and has been published regularly and
issued regularly at least once a day for more than 20 consecutive
years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the Notice of a Claim

attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
Week for two consecutive weeks, the
first publication thereof being on the 14th day of
September, A. D. 19 72, and the last publication
thereof being on the 21st day of September,
A. D. 19 72, and said Notice of a Claim
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so published
in every issue and number of the said paper, during the
period and times of publication as set forth above.

DN Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

21 day of September, 19 72.

Norman W. Rich 8-28-76

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

SEP 25 1972

Department of Water Administration
Northern District Office

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_____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

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 50 head of cattle,
50 calves, 6 horses

7. Where water is used for domestic or municipal purposes give number of families served 1 family
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 also use water for irrigating lawns
and garden. Estimated 2 A.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
This spring has been in use since June 1930
This has not been sufficient enough water and
filing application for spring on our property
above this spring. The source of this water
is a spring. The spring box is 5' wide, 7 feet
deep and 10' long.

State of Idaho

County of Merced

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.

Ray & Wayne Hemgast
by Wayne Hemgast
Claimant

Sworn to before me this 21 day of July, 1972.

Eugene R. Huff
Notary Public
Residing at Lewiston

My commission expires Jan. 18, 1974

For Department Use Only

Received by up Date 7-24-72 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by D. Date 7-24-72 _____
Fee received by up Date 7/24/72 Fee \$ 10.00 _____
Approved for publication by _____
Published in LEWISTON TRIBUNE Dates 9-14 & 9-21-72

86 4017

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 if 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 Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 86-4017

Notice is hereby given that Wayne & Roy Heimgartner, Juliaetta, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.66 cubic feet per second of water from an Unnamed Spring, tributary to Pine Creek with point of diversion in the NE 1/4 Sec. 11, T. 37N, R. 3W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic & stock watering purposes; & from May 15 to Oct. 1 for the irrigation of 2 acres with a priority of June, 1936; the place of use is within the NE 1/4 Sec. 11, T. 37N, R. 3W, 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 Lewiston Morning Tribune, Lewiston, Idaho, on Sept. 14 and Sept. 21, 1972.

STATE OF IDAHO, }
County of Nez Perce } ss.

DN Sinclair

, being duly sworn
deposes and says, I am the Office Manager

of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said

period; that the Notice of a Claim
attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a
Week for two consecutive weeks, the

first publication thereof being on the 14th day of
September, A. D. 19 72, and the last publica-

tion thereof being on the 21st day of September,
A. D. 19 72, and said Notice of a Claim

was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

DN Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

21 day of September, 19 72.

Norman W. Rich 8-28-76
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECEIVED

SEP 25 1972

Department of Water Administration
Northern District Office

October 12, 1972

Re: Claim to a Water Right No. 86-4017

Wayne &/or Roy Heimgartner
Juliaetta,
Idaho 83535

Gentlemen:

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

86 4017

September 8, 1972

Re: Application No. 85-7043 - Valley View Development
Claim No. 86-4017 - Wayne & Roy Heimgartner

Lewiston Morning Tribune
505 "C" Street
Lewiston, ID 83501

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 Eisenbarsh
Water Resource Examiner
Northern District

Bill submitted 10-6-72 by dr

FE:CR
Enc: Legal Notices (2)

86 4017

THE *Tribune* PUBLISHING CO.

Producers of Printing of Distinction
5th & C Sts. Lewiston, Idaho 83501
Phone 743-9411

Sold to

RECEIVED

State of Idaho
Dept. of Water Admin.
401 Front Avenue
Coeur D' Alene, ID 83814

SEP 25 1972

Department of Water Administration
Northern District Office

Date Sept. 21st, 19 72

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of Claim to a Water Right # 86-4017 32 Lines, 2 times heroby certify the above account is correct and just, that the supplies were actually furnished and/or the services were actually rendered as charged and that I/We have not received payment therefor Signed: <u>Tribune Pub. Co.</u> By: <u>Dr. Smith</u> Office Mgr. THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY	11.84
	86 4017			

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NO. 86-4017

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Juliaetta, Idaho

have

~~has~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~acre feet per annum~~

of water from an Unnamed Spring, tributary to Pine Creek

with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, B.M.,

Nez Perce County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
& Stockwatering purposes; & from May 15 to Oct. 1 for the irrigation of 2 acres
with a priority of June, 1930;

the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, 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 Lewiston Morning Tribune, Lewiston, Idaho

on Sept. 14 and Sept. 21, 1972

legal 9-14-72 2-T-W

~~CONFIDENTIAL~~

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A WATER RIGHT**

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R. KEITH HIGGINSON
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho, on Sept. 14 and Sept. 21, 1972.

LEGAL 9-14-72 2-T-W

tom/m

~~CONFIDENTIAL~~

86 4017

September 8, 1972

C Re: Claim to a Water Right No. 86-4017

O Wayne & Roy Heimgartner
Juliaetta, ID 83535

Gentlemen:

P Attached herewith is your receipt No. 8625 in the amount of \$10 for the filing fee
on the above referenced claim, which was received in this office.

Very truly yours,

Y Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

86 4017