

RECEIVED

JUL 12 2005

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
71966
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Roger H. Magers or Patricia A. Magers
(Name of Claimant)
8621 Sanders Rd. Tensed ID 83870 Telephone No: (208) 274-4423
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) March 26, 1968
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring tributary to Hangman Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>.01 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u> to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. .01 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 5 Township 43N Range 3W B.M., Benevise County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

HAND DUG 100' deep w/ submersible pump to house and sprinklers

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
43N	3W	5									D								

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. 1 home and lawn and garden irrigation

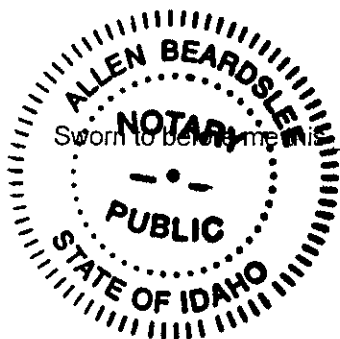
NOTE: Include here the type and number of stock watered: _____

7. Remarks: Ground was wet when it was dug and dug 100' for storage

8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of IDAHO)
) ss.
 County of KOOTENAI)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.



[Signature]
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this

11th

day of

MAY

[Signature]
 Notary Public

Residing at: cd'A

My commission expires: 08-08-06

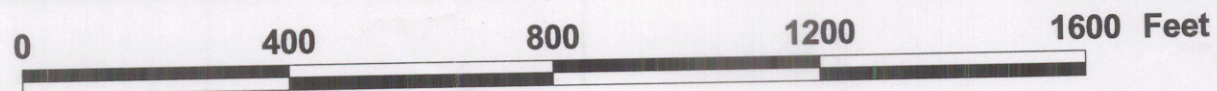
FOR DEPARTMENT USE ONLY

Received by cb Date 5/2/05
 Prelim. check by _____ Date _____
 Fee \$100.00 Receipt # NO16877
 Receipt prepared by _____ Date _____

Published in St. Marie Gazette
 Publication dates 6/15 & 22/05
 Publication checked by cb Date 6/27/05
 Exceptions filed by _____



T43N R03W
Section(s) 5



RECEIVED

MAY 07 2005

IDWR/North

Land Described
piece, or parcel, of Land situated in The county
of Benewah and State of Idaho, and known and
described as follow, To-wit:

A parcel of land in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5,
Township 43 N., R. 3 WBM, described as follows:
Beginning at the northwest corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$
of Sec. 5, Twp. 43 N., R. 3 WBM., Thence due
east long said quarter section line a distance
of 650 feet To the place of beginning of this
parcel; Thence south 700 feet To the county
Road as now laid out, Thence 470 feet along
said county road in a northeasterly distance
To a point, Thence north in a northwesterly
direction a distance of 330 feet To a point
on the quarter section line of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Sec. 5, Thence west along said quarter
section line, a distance of 236 feet To
The point of beginning, containing Acres,
more or Less.

Roga H. Magner
Patricia A. Magner

**NOW
STARTING
RIGHT
SIDE OF
FILE**

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner 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 notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 108 issues, the first publication being on the 15 day of June, 2005 and the last on the 22 day of June, 2005.

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.

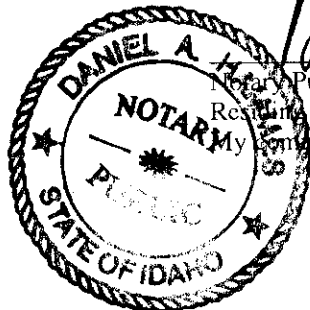
Dated this 22 day of June, 2005.

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 22 day of June, in the year of 2005 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires: 07-13-2007

RECEIVED
JUN 27 2005
IDWR/North

Water use application

The following claim(s) have been filed based on diversion and beneficial use of water:

93-7057

ROGER H MAGERS
PATRICIA A MAGERS
8621 SANDERS RD
TENSED ID 83870

Point(s) of Diversion NESW S5 T43N R03W BENEWAH County

Source - SPRING - Tributary To HANGMAN CREEK

Use: DOMESTIC 01/01 To 12/31 0.01 CFS

Total Diversion: 0.01 CFS

Priority Date: 3/26/1968

Place Of Use: DOMESTIC - T43N R03W S5 NESW

Exceptions to a claim may be filed with the Department of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur d'Alene ID 83814 together with an exception fee of \$25.00.

KARL J DREHER, Director Published on 6/15 and 22/2005
6157 June 15-June 22

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93-7057

ROGER H MAGERS
PATRICIA A MAGERS
8621 SANDERS RD
TENSED ID 83870

Point(s) of Diversion NESW S5 T43N R03W BENEWAH County
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Total Diversion: 0.01 CFS

Priority Date: 3/26/1968

Place Of Use: DOMESTIC - T43N R03W S5 NESW

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KARL J DREHER, Director Published on 6/15 and 22/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 8, 2005

KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

RE: Statutory Claim No. 93-7057

Dear Kaisie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, June 15 and 22, 2005, (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 06/30/2005. Your cooperation is GREATLY appreciated. It is always a pleasure to work with you.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

*Spoke to Kaisie
she says
e-mail received
6/8/05
10:45a
3 pages*

e-mailed 6/8/05 - and also **FAXED** to Kaisie

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 08, 2005 9:46 AM
To: Legal Notices-SMGazette (E-mail)
Subject: Legal Notice for publication on June 15 and 22, 2005 Claim 93-7057

Dear Kaisie,

I hope this reaches you this time - I will follow with a fax.

Attached you will find our cover letter requesting publication of a legal notice of a Claim to a Water Right. Also attached is the legal notice.

If there is a "generic" e-mail to which I should be sending these notices - such as legalnotices@SMGazette - or a backup second e-mail name to whom I should be sending these (in case you are out sick or on vacation) will you please let me know. I'm trying to avoid my e-mails being lost or mis-directed - and still save you the work of having to type the legals out by sending them as an attachment that you can copy and paste.

PLEASE FAX A PROOF COPY TO ME AT 208-769-1454 - PRIOR TO PUBLICATION.

Thank you very much, and have a simply wonderful day.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

6/8/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

June 8, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROGER H MAGERS
PATRICIA A MAGERS
8621 SANDERS RD
TENSED ID 83870

RE: Water Right Claim No 93-7057

Dear Claimant(s):

The Department of Water Resources again acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim was prepared and scheduled for publication in the St Maries Gazette Record on June 1 and 8, 2005. **HOWEVER**, the paper did not receive the information sent to them for some unknown reason and we did not know that in time to re-send for publication on those dates. Therefore, we have re-scheduled it for publication on June 15 and 23, 2005. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

In our previous correspondence, we enclosed a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Haynes".

Robert G. Haynes, P.E.
Regional Manager

Per paper -

E-mail not
received -

Redo for

Pub on 6/15 + 22/05

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, May 31, 2005 2:07 PM
To: Legal Notices-SMGazette (E-mail)
Subject: PROOF PRIOR TO PUBLICATION FOR WR CLAIM 93-7057 MAGERS

Good afternoon, Kaisie,

I'm looking for a proof prior to publication for a legal notice scheduled to start tomorrow, June 1, for a Water Right Claim No. 93-7057 in name of Magers.

If, for some reason, you did not receive my e-mail sent Wednesday, May 25, 2005, please call me at 208-769-1450 and I will either re-send the e-mail or FAX the information to you.

The legal notice is scheduled to run June 1 and 8, 2005, [unless you have changed to a Thursday publication, and then it would run June 2 and 9.]

Thank you very much.

 *Dianne*

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

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KARL J DREHER, Director Published on 6/1 and 8/2005



State of Idaho

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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

*Kaisie
this is the
one I'm
needing*

May 25, 2005

KAISIE BREDE
LEGAL NOTICE DEPARTMENT
ST MARIES GAZETTE RECORD
610 MAIN AVE
ST MARIES ID 83861-1838

2 pages

RE: Statutory Claim No. 93-7057

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An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 06/20/2005. Your cooperation is GREATLY appreciated. It is always a pleasure to work with you.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 25, 2005 10:41 AM
To: Legal Notices-SMGazette (E-mail)
Subject: Legal notice for publication on June 1 and 8, 2005.

Good morning, Kaisie:

Attached is our cover letter requesting publication on June 1 and 8, 2005 of a legal notice, also attached.

If you have ANY questions, please call me at 208-769-1450.

PLEASE FAX A PROOF COPY TO ME PRIOR TO PUBLICATION, AT 208-769-1454.

Thanks very much and have a very happy day.

 *Dianne*

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

5/25/2005



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

May 25, 2005

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICIA A MAGERS
8621 SANDERS RD
TENSED ID 83870

RE: Water Right Claim No 93-7057

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Regional Manager