

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 85-4041

Notice is hereby given that C. H. and Gertrude Forsman, 1200 Forsman Road, Lewiston, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.05 acre feet per annum of water from a spring, tributary of Webb Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Spring No. 1), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Spring No. 2), Sec. 33, T. 33N, R. 3W, B.M., Nez Perce County. The water is claimed to be used from April 1 to Oct. 31 for domestic and stockwatering purposes with a priority of 1941 (Spring No. 1, 0.02AF), 1946 (Spring No. 2, 0.03AF); the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 33N, 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

RECEIVED

JUN 8 1973

Department of Water Administration
Northern District Office

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

D.N. 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 Claim to a Water Right 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 24th day of May, A. D. 19 73, and the last publication thereof being on the 31st day of May, A. D. 19 73, and said Notice 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.

On Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

7 day of June, 19 73.

Norman W. Rich 8-28-76

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

2 Springs -

#1 NW⁴NW⁴ Sec. 33

is in Basin 85

#2 SW⁴SE⁴ Sec. 33

is in Basin 79

479-4048 85
Identification No. 85-4041
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 C. H. Forsman & Gertrude Forsman
post office address 1200 Forsman Road, Lewiston, Idaho 83501
2. The point of diversion is in SPRING #1 N.W. 1/4 of N.W. 1/4 Section 33 Township 33 North
Range 3 W B.M. located on Spring
(name of source)
tributary to Webb Creek in Nez Perce 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:

Spring #1	<u>1941</u>	amount: _____ c.f.s. or <u>02</u> acre feet
Spring #2	<u>1946</u>	amount: _____ c.f.s. or <u>03</u> acre feet
		amount: _____ c.f.s. or _____ acre feet
		Total claimed _____ c.f.s. or <u>0.05</u> 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>Stock Water</u>	period of use from <u>April 1</u> to <u>October 31</u>	(both dates inclusive)
use <u>Domestic</u>	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:
 - 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 _____
_____ ;

85 4041
79-4048

[The following section contains several horizontal lines, likely representing redacted information or a placeholder for additional details.]

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_____

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

[illegible]

Total number of acres to be irrigated 25

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 _____
100 head of cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
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 Spring #2 will be used to irrigate approximately 25 acres.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Spring #1 is used to water up to 100 head of cattle, and provide domestic use for one house.
Spring #2 is presently used to water 100 head of cattle during spring to fall and provide moderate irrigation for grain. It is expected that electrical power will be available at Spring #2 during 1973. When electrical power is made available, a small pond and pump will be installed at Spring #2 to irrigate approximately 25 acres of pasture land.

State of Idaho

County of Nezperce

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.

Carl H. Forsman
Claimant

Sworn to before me this 10 day of MAY, 1973.

D. Richard Wyatt
Notary Public

Residing at Lewiston, IDAHO

My commission expires 9 JUNE 1974

For Department Use Only

Received by OR Date 5-11-73

Exception filed by: _____

Forwarded to claimant by: _____

Date _____

Prelim. check by FE Date 5/14/73

Fee received by FE Date 5/14/73 Fee \$12.00

Approved for publication by FE 5/14/73

Published in LEWISTON TRIBUNE Dates 5-24-73

5-31-73

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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:	<u>May 18, 1871</u>	amount: <u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount: <u>0.4 c.f.s.</u> or _____	acre feet
	Total claimed: <u>1.2 c.f.s.</u> 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District

Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District

Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 85-4041

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The water is claimed to be used from April 1 to Oct. 31 for domestic and stockwatering purposes with a priority of 1941 (Spring No. 1, 0.02AF), 1946 (Spring No. 2, 0.03AF); the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 33N, 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

RECEIVED

JUN 8 1973

Department of Water Administration
Northern District Office

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

D.N. 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 Claim to a Water Right

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 24th day of May, A. D. 19 73, and the last publica-

tion thereof being on the 31st day of May, A. D. 19 73, and said Notice

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.

D.N. Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

7 day of June, 19 73.

Norman W. Beil 8-28-76

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

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 13, 1973

Re: Claim to a Water Right No. 85-4041

C. H. and Gertrude Forsman
1200 Forsman Road
Lewiston, ID 83501

Dear Mr. & Mrs. Forsman:

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 further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

85 4041

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 18, 1973

Re: Claim to a Water Right No. 85-4041

C. H. Forsman
1200 Forsman Road
Lewiston, ID 83501

Dear Mr. Forsman:

Enclosed is your receipt No. 10666 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

We have noticed under the remarks section on the claim that you intend to use Spring No. 2 for irrigation of 25 acres when electricity is available. It is now required to first receive a permit before appropriating surface water after May 20, 1971. We have enclosed the required application for your use.

If you should have any questions in this matter, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cr

Enclosures

85 4041

May 18, 1973

Re: Application No. 86-7026 - Phil Bahr
Claim No. 85-4041 - C. H. and Gertrude Forsman

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 Eisenbarth
Northern District Manager

Bill submitted 6-11-73 by CR

FE:CR

Enc: Legal Notices (2)

85 4041

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 Administration
 401 Front Ave. Rm 209
 Coeur D' Alene, Id. 83814

JUN 8 1973

Department of Water Administration
 Northern District Office

Date June 5th, 1973

QUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of Claim to a Water Right--C.H. Forsman 32 Lines, 2 times hereby 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 Publishing Co.</u> By: <u>D.N. Sinclair</u> D.N. Sinclair, Office Mgr. 85 4041	11.84
THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY				

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4041

Notice is hereby given that C. H. and Gertrude Forsman,
1200 Forsman Road, Lewiston, Idaho
have ~~xxx~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.05 ~~xxxxxxxxxxxxxxxxxxxxxx~~ cubic feet per second acre feet per annum
of water from a spring, tributary of Webb Creek
with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (spring #1), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Spring #2),
Sec. 33, T. 33N, R. 3W, B.M., Nez Perce County

The water is claimed to be used from April 1 to Oct. 31 for domestic
and stockwatering purposes
with a priority of 1941 (Spring #1, 0.02 AF), 1946 (Spring #2, 0.03 AF) ;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 33N, R. 3W, B.M.

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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 May 24 and May 31, 1973

85 4041

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No. 85-4041

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R. KEITH HIGGINSON
Director

OK.
5-29-73
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