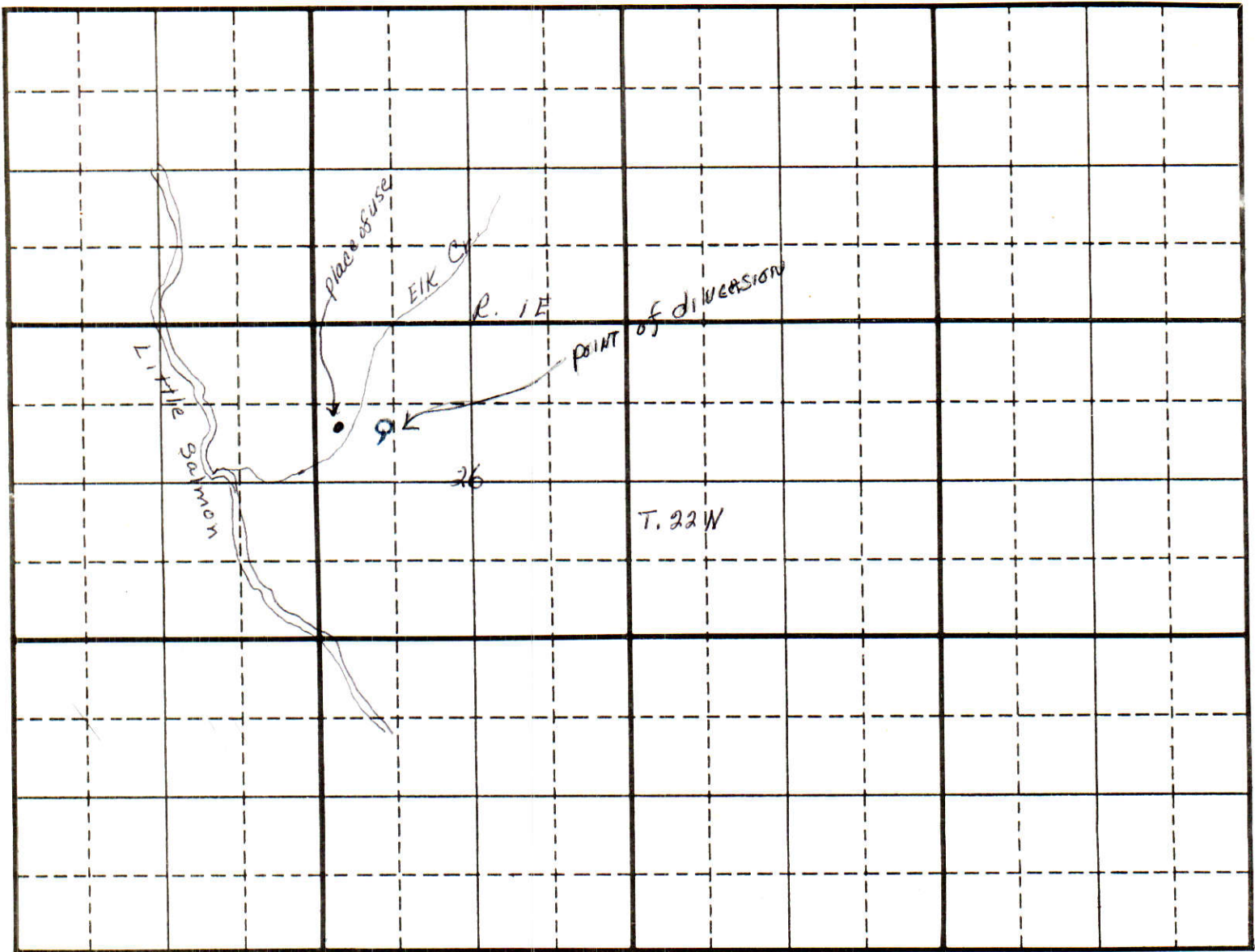


(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Gem ) 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 affiant's knowledge.

Lewis A. Bemis Nina G. Bemis  
(Claimant)

Sworn to before me this 25th day of June, 19 80.

Dorothy A. Strouss  
Notary Public  
Residing at Sweet, Idaho

My commission expires May 1, 1981

FOR DEPARTMENT USE ONLY

|                                          |                     |                     |              |                |
|------------------------------------------|---------------------|---------------------|--------------|----------------|
| Received by <u>hln</u>                   | Date <u>6/27/80</u> | Exception filed by: | Forwarded to | Date           |
| Prelim. check by <u>awb</u>              | Date <u>7/3/80</u>  | # <u>15640</u>      | claimant by: |                |
| \$20.00 fee received by <u>hln</u>       | Date <u>7-10-80</u> |                     | <u>hln</u>   | <u>8-12-80</u> |
| Published in <u>Idaho Co. Free Press</u> |                     |                     |              |                |
| Dates <u>7/24 &amp; 7/31/80</u>          |                     |                     |              |                |

## AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIMS  
TO WATER RIGHTS**  
Notice is hereby given  
that the following claim(s) to  
water right(s) have been  
established by diversion and  
application to beneficial use:

78-4135

BEMIS, LEWIS A. &/or  
NINA G.

MONTOUR STAR RT.,  
EMMETT, ID, 83617

Source: SPRINGS tributary  
to ELK CREEK

Priority Date: 01/01/1961

Amount: 0.04 CFS

Diversion Point: SWNW Sec  
26 T 22N R 01E, IDAHO Co.

Use: DOMESTIC (0.04 CFS)  
from 01/01 to 12/31

Place of Use: SWNW Sec 26  
T 22N R 01E

Diversion Means:  
RESERVOIR AND  
PIPELINE.

Any exception to any  
claim of water right may be  
filed with the Director of the  
Idaho Department of Water  
Resources, 92 S. Cole Road,  
Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 7/23 & 7/30/80.

Jy 23-30

Nona Donaldson being first duly  
sworn, says he is the Office Manager  
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which  
is published and issued weekly at Grangeville, Idaho County,  
State of Idaho, and which is of general circulation in said county  
and state; that the said notice, of which the one hereto attached  
is a true copy, was published in said paper for 2 weeks,  
being published 2 times, the first publication being  
on the 23rd day of July, 19 80,  
and the last publication on the 30th day of  
July, 19 80, and that the said notice  
was published in the newspaper proper and not a supplement;  
that said newspaper has been continuously and uninterruptedly  
published in said county during a period of more than seventy-  
eight consecutive weeks prior to the first publication of said  
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 31st day  
of July, 19 80.

Marjorie J. Stolley, Notary Public  
for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED

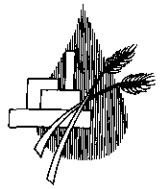
RECEIVED

AHC 4 1980

Department of Water Resources  
Western Regional Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Lewis A And/or Nina G. Bemis

(Name of Claimant)

Montour Star Rt Emmett, Ida 83617

(Mailing Address)

(Zip Code)

Telephone No. 584-3496

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Spring 5

tributary to

Elk 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:

| Quantity | (cfs, gpd, AFA) | Use | (Domestic, Irrigation, Stock, Etc.) | Period of Use From |              | (Both dates inclusive) |               |
|----------|-----------------|-----|-------------------------------------|--------------------|--------------|------------------------|---------------|
|          |                 |     |                                     | (Mo., Day)         | (Mo., Day)   |                        |               |
| Quantity | <u>.04 cfs</u>  | Use | <u>Domestic</u>                     | Period of Use From | <u>Jan 1</u> | To                     | <u>Dec 31</u> |
| Quantity |                 | Use |                                     | Period of Use From |              | To                     |               |
| Quantity |                 | Use |                                     | Period of Use From |              | To                     |               |
| Quantity |                 | Use |                                     | Period of Use From |              | To                     |               |
| Quantity |                 | Use |                                     | Period of Use From |              | To                     |               |

- (4) .04 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NW 1/4, Sec. 26 Twp. 22N Rge. 1E B.M., County of Idaho

Additional points of diversion:

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

Small reservoir with 200 feet of 1 1/2 in pipe reduced to one inch and then reduced to one half inch into house approximately 750 ft of pipe altogether. May 5, 1980 changed from bio family use to single family use

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R  | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |    |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |       |
| 22N | 1E | 26   |        |        | X      |        |        |        | X      |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |    |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres .45

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: None

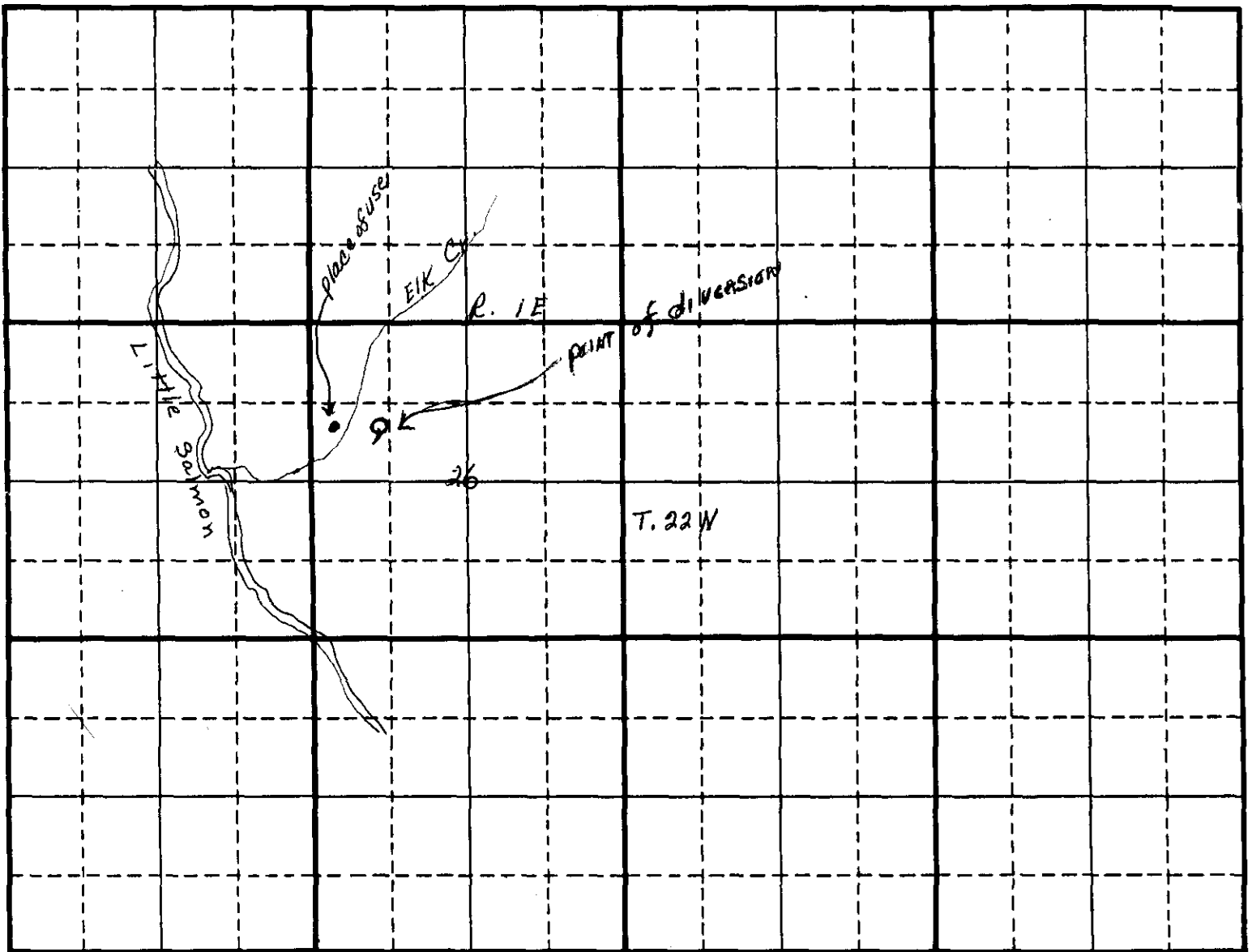
- (7) If you are claiming water as a member of an organization, list name of organization:

JUN 27 1980

RECEIVED

RECEIVED

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
County of Lem ) 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 affiant's knowledge.

Lewis A. Bemis Nina H. Bemis  
(Claimant)

Sworn to before me this 25th day of June, 19 80.

Dorothy G. Stover  
Notary Public  
Residing at Sweet, Idaho

My commission expires May 1, 1981

FOR DEPARTMENT USE ONLY

|                                          |                     |                     |              |                |
|------------------------------------------|---------------------|---------------------|--------------|----------------|
| Received by <u>hln</u>                   | Date <u>6/27/80</u> | Exception filed by: | Forwarded to | Date           |
| Prelim. check by <u>curB</u>             | Date <u>7/3/80</u>  | # <u>15640</u>      | claimant by: |                |
| \$20.00 fee received by <u>hln</u>       | Date <u>7-10-80</u> |                     |              |                |
| Published in <u>Idaho Co. Free Press</u> |                     |                     | <u>hln</u>   | <u>8-12-80</u> |
| Dates <u>7/24 &amp; 7/31/80</u>          |                     |                     |              |                |

## AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly

sworn, says he is the Office Manager  
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which  
is published and issued weekly at Grangeville, Idaho County,  
State of Idaho, and which is of general circulation in said county  
and state; that the said notice, of which the one hereto attached  
is a true copy, was published in said paper for 2 weeks,  
being published 2 times, the first publication being  
on the 23rd day of July, 19 80,  
and the last publication on the 30th day of  
July, 19 80, and that the said notice  
was published in the newspaper proper and not a supplement;  
that said newspaper has been continuously and uninterruptedly  
published in said county during a period of more than seventy-  
eight consecutive weeks prior to the first publication of said  
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 31st day  
of July, 19 80.

Marjorie J. Stolley, Notary Public  
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED

Department of Public Resources  
Western Regional Office

MICROFILMED

O.K.  
H2H

WRK100  
78-4135

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROOF READING REPORT

14-JAN-1986 00:04:41  
PAGE 1

01 WATER RIGHT NUMBER - 78-4135 02 OLD (O) NUMBER -

LAST NAME

FIRST NAME

ORIG. OWNER

03001 - BEMIS  
03002 - BEMIS

04001 - LEWIS A.  
04002 - NINA G.

05001 - C  
05002 - C

06 ADD LINE 1 - MONTGOMERY STAR RT.

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - EMMETT

10 STATE - ID 11 ZIP - 83617

12 STAGE - S STATUTORY CLAIM

13 STATUS -

14001 - SPRINGS

15001 - ELK CREEK

TRIBUTARY OF

16 DIVERSION MEANS - RESERVOIR AND PIPELINE.

17 COUNTY - 49 IDAHO

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .040

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNS DIVERSION POINTS LOT RFLG STREAM INDEX FIELDS

22001 - SWNW 23001 - 25 24001 - 22N 23001 - 01E 25001 - 27001 -  
28001 - 0 272.0 92.0 104.0 19.0 0.0 0.0 0 0 0.4

29 NON-IRRIGATION USE -

USE CODE / USE TRACT ACRES LOT

30001 - 43 DOMESTIC

31001 - 12N 32001 - 01E 33001 - 26 34001 - SWNW 35001 - 36001 -

TOTAL ACRES: 0

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 6101 38001 - 1231 39001 - 43 DOMESTIC 40001 - 0.040 41001 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - O A T E S - 1-JAN-1961 55 LICENSE - 63 TRANSFER/AMENDED -  
48 PROOF DUE - 56 APPL RECEIVED - 64 DLE/CAREY ACT -  
49 PROOF MADE - 57 FIELD EXAM MADE - 65 FLAG\_1 -  
50 APPROVE/DENIED - 58 DECREE - 66 FLAG\_2 -  
51 PROTESTED - 59 START WORK - 67 FLAG\_3 -  
52 HEARING - 60 ORDER SHOW CAUSE -  
53 VERIFIED - 61 GATE\_1 -

WRR100  
78-4135

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS PROOF READING REPORT

PAGE 2  
14-JAN-1985 00:04:41

----- D A T E S ----- D A T E S ----- F L A G S -----

54 LAST UPDATE - 13-JAN-1986 52 DATE\_2 -

VERIFIED AMS

IDENT. NO. 78-4125

WATER RIGHT  
DATA ENTRY LOG

[illegible]

STATE OF IDAHO  
Department of Water Resources

No 15640

Boise, Idaho, 7/11, 1980

RECEIVED  
FROM Nina G. Bemis of Emmett \$ 20.00

Twenty and no cents DOLLARS

|                |              |           |
|----------------|--------------|-----------|
| FOR            |              |           |
| <u>1 Claim</u> | \$ <u>20</u> | <u>-</u>  |
|                | \$           |           |
|                | \$           |           |
|                | \$           |           |
|                | \$           |           |
| TOTAL - - -    | \$ <u>20</u> | <u>00</u> |

D. J. Harry **NOT FILMED**

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AW Byers

Right Number 78-4135 Applicant Bemis

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW: nlb

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By DBS Date 8/12/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 8/15/80

APPROPRIATELY FILMED

## NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 7/24 & 7/31/80.

RECEIVED  
JUL 28 1980

28-4135-

BEMIS, LEWIS A. &/or NINA G.

MONTOUR STAR RT., EMMETT, ID. ID 83617

Source: SPRINGS tributary to ELK CREEK

Priority Date: 01/01/1961

Amount: 0.04 CFS

Diversion Point: SWNW Sec 26 T 22N R 01E, IDAHO Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNW Sec 26 T 22N R 01E

Diversion Means: RESERVOIR AND PIPELINE.

APPROVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region

---

92 South Cole Road  
Boise, Idaho 83709  
(208) 334-2190

AUGUST 13, 1980

LEWIS A. BEMIS  
NINA G. BEMIS  
MONTGOMERY STAR RT.  
EMMETT, ID

ID 83617

RE: Claim No. 78-4135

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW  
Western Region Supervisor

Enclosure

208-334-2190  
FILMED