

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claim to a Water Right

Henry Hellman & Robert Johnson

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 19th day of May, 1977, and ending on the 26th day of May, 1977

Subscribed and sworn to before me this 31st day of May, 1977

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIM TO A WATER RIGHT

NO. 83-4003

Notice is hereby given that Henry Hellman, Jr. and Robert R. Johnson Box 4465, Missoula, Mt. has filed a claim to a water right established by diversion and application to beneficial use of 50 gallons per minute of water from an unnamed stream, tributary to Moose Creek with point of diversion in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 32, T40N, R11E, B., Clearwater County.

The water is claimed to be used from May 1 to Nov 30 for Domestic purposes (10 gpm) and the irrigation of 2 acres (40 gpm) with a priority of Summer 1939; the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 32, T40N, R11E, B.M. Also known as the Lilly Group Placer Claims.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. Stephen Allred
Director
5-19, 26 c

OK
5-8-77
B

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that TERRY HELLMAN, JR. and ROBERT R. JOHNSON
(name of claimant)
of Box 4465 - Missoula, Mont. 59806, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring with no name, tributary to, Moose Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------|----|------------------------|
| Amount | <u>10 gpm</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>5-1</u> | To | <u>11-30</u> |
| Amount | <u>40 gpm</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>5-1</u> | To | <u>11-30</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 50 gallons per minute.

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 SW 1/4 SE 1/4 SW 1/4, Sec. 32 Twp. 40 Rge. 11E B. M. County of Clearwater
 Additional points of diversion: None

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. Diversion dam & pipeline.
Approx. 300 ft. of pipe. 2 1/2" reduced to 3/4".

- (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.

[illegible]

Total No. of acres 2

10. If the water is used for other than irrigation, fully describe that use, being as specific as possible: Flower
acres of lawn & garden are irrigated and
remainder of water is for domestic use.

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

TO WHOM IT MAY CONCERN:

I hereby state that to the best of my knowledge the main water source for the property known as Lilly No. 1 and Lilly No. 2 patented placer mining claims situated on Moose Creek in Clearwater County, Idaho is a natural flowing stream. The water is piped to the cabin from a small reservoir located across the existing road. I have personally been acquainted with the property since September 1959.

DATED:

April 28, 1977

Charles N. Headley
CHARLES N. HEADLEY

STATE OF IDAHO

)

County of Kootenai

) ss.

On this 28th day of April, 1977, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared CHARLES N. HEADLEY known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James N. Headley
Notary Public in and for the State
of Idaho.

Residing at: COEUR D'ALENE, IDAHO

NOTARY
PUBLIC
IDAHO

her hand and seal the day and year first above written.

Laura Hellman

STATE OF WASHINGTON)

) ss.

County of King)

On this 7th day of September A.D. 1966, before me,

the undersigned, a Notary Public in and for the State of Washington, personally appeared LAURA HELLMAN, a widow, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Seattle, Washington, the day and year in this certificate first above written.

Oliver B. Higgins

Notary Public in and for the State of Washington
Residing at Seattle, Washington

My Commission expires: Dec 11, 1968

Filed and recorded at the request of Laura Hellman
at 9 o'clock A.M., this 3rd day of Oct, 1966
Hayden By: James Philet
Ex-Officio Auditor-Recorder Deputy
Clearwater County, Idaho
Fee:

Return: 6213 32nd S.W.
Seattle, Wash

MICROFILMED

MINING DEED

THIS INDENTURE, Made the 7 day of September, A.D. 1966, between LAURA HELLMAN, a widow, party of the first part, and HENRY HELLMAN, JR. of 5900 Perry Street, Anchorage, Alaska, party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One and no/100 Dollars (\$1.00), lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released and forever quitclaimed and by these presents does grant, bargain, sell, remise, release and forever quitclaim unto said party of the second part, his heirs and assigns an undivided one-half interest in the Lilly Placer Claim and Lilly No. 1 Placer Claim situated in the Moose City Mining District, Townships 39 and 40 North Range 11, East of Boise Meridian (Unsurveyed), Clearwater County, Idaho, consisting of 37.775 acres.

Together with all the dips, spurs and angles, and also all the metals, ores, gold and silver-bearing quartz rock and earth therein, and all the rights, privileges and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and also all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in and to the said premises, and every part and parcel thereof, with appurtenances.

To have and to hold all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set

Missoula, Montana

April 28, 1977

To Whom It May Concern:

This is in reference to the use of water from a spring located 75 feet west of the Hellman Cabin by Henry Hellman and Robert Johnson. The water was used for household use and the watering of the lawn and garden. The Hellman cabin is in the Lilly Placer Group on Moose Creek in the Clearwater National Forest of Northern Idaho. We know of their use of the water from this spring in the years of 1946 through 1955.

George E. Melder

George E. Melder

Lois A. Melder

Lois A. Melder

HELEN L. WEITZEL

NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My commission expires January 29, 1978

Helen Weitzel

Missoula, Montana

April 29, 1977

To Whom It May Concern:

The water supply for Henry Hellman's cabin located on Lilly Placer Claim and Lilly #1 Placer Claim comes from a spring located approximately 75 feet west of the cabin.

The mentioned spring, since my first visit in 1949 and many visits there after, to said cabin, supplies ample water for household use, sprinkling of lawn and garden.

I the undersigned wish to have this go on record as a true statement.

Raymond T. Kohler

Raymond T. Kohler

Cherryl R. Kohler

Cherryl R. Kohler

HELEN L. WEITZEL
NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My commission expires January 29, 1978

Subscribed and sworn to before me

Helen L. Weitzel
Notary Public for the State of Montana

4-29-77

NOTARY PUBLIC

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claim to a Water Right

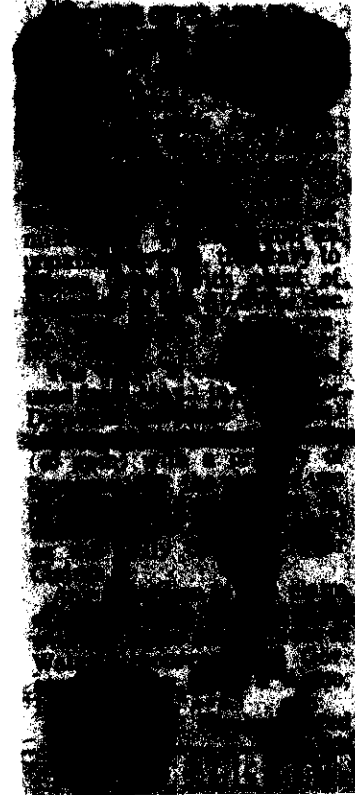
Henry Hellman & Robert Johnson

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 19th day of May, 1977, and ending on the 26th day of May, 1977.

Subscribed and sworn to before me this 31st day of May, 1977.

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN



ACTION

N OWNER LAST NAME - HELLMAN, JR. FIRST NAME - HENRY
N OWNER LAST NAME - JOHNSON FIRST NAME - ROBERT R.
N ADDRESS LINE 1 - P.O. BOX 4465
N CITY - MISSOULA STATE - MT ZIP CODE - 59806
N SOURCE - SPRING TRIBUTARY OF - MOOSE CREEK
N STAGE - STATRY CLM PRIORITY - 06-01-1939 COUNTY - CLEARWATER TOTAL DIV. RATE - .1100CFS
N DIVERSION POINT - SESW 32 40N 11E
N FROM - 05-01 TO - 11-30 USE - IRRIGATION USE DIV. RATE - .0900CFS
N FROM - 05-01 TO - 11-30 USE - DOMESTIC USE DIV. RATE - .0200CFS
N USE - IRRIGATION PLACE OF USE - T2N 40N R2G 11E SEC 32 TRACT SWSW AC 01 TRACT SESW AC 01

IDENT. NO. 83-4003

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 183-4003
Old No. _____ New No. _____

Record

1. Original Owner: Henry Hellman Jr. & Robert R. Johnson

Present Owner: _____

2. Address: P.O. Box 44653. City: Missoula State: mt Zip: 598064. A. Source of Water: springB. Tributary of: moose creek5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1939D. County: 35E. Total Diversion Rate: .11

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
<u>SESW</u>	<u>32</u>	<u>40N</u>	<u>11E</u>		

if this is wrong blame
mother because she told
me to figure it out and
this is my interpretation

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 11-30 for A purposes. Amount .09
(cfs or AC-FT/yr)from 5-1 to 11-30 for D purposes. Amount .02

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

dam & pipeline



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D'ALENE, IDAHO 83814

June 14, 1977

RE: Claim No. 83-4003

Henry Hallman & Robert R. Johnson
Box 4468
Missoula, Mt 59806

Gentlemen,

The Department of Water Resources 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 our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 12, 1977

RE: Claim to a Water Right No. 88-4003 - Hellman & Johnson

Clearwater Tribune
Box 71
Orofino, Id 83544
Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

cp

Legal Notice(s)

Ball
6-8
7
B

NOTICE OF CLAIM TO A WATER RIGHT

NO. 83-4003

Notice is hereby given that Henry Hellman, Jr & Robert R Johnson
Box 4465, Missoula, Mt

has filed a claim to a water right established by diversion and application
to beneficial use of 50 ~~cubic feet per second~~ gallons per minute
of water from an unnamed stream, tributary to Moose Creek

with point of diversion in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 32, T40N, R11E, B.M.,
Clearwater County

The water is claimed to be used from May 1 to Nov 30
for Domestic purposes (10 gpm) and the irrigation of 2 acres (40 gpm)

with a priority of Summer 1939;

the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 32, T40N, R11E, B.M.

Also Known as the Lilly Group Placer Claims

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the Clearwater Tribune, Orofino, Id

May 19 and May 26, 1977

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 11, 1977

RE: Claim to a WaterRight No. 83-4003

Henry Hellman, Jr. & Robert R Johnson
Box 8465
Missoula, Mt 59806

Gentlemen,

Attached is your receipt No. 5493 in the amount of \$ 10.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Alea Beito
Secretary

AB

Attachment

MICROFILMED

576/77

This claim to water right is made on a spring flowing from North to South into Moose Creek Sec. 32 T. 40 N R. 11 E.

It is located approx. on the line between the S.W. & S.E. $\frac{1}{4}$'s of the S.W. $\frac{1}{4}$ of Sec. 32 & empties into Moose Creek about on the line between Sec. 32 & Sec. 5.

It is about 75 ft. West of the Hellman cabin as shown on the attached plat. The cabin and claims can also be located on the U. S. F. S. map of the Clearwater Forest dated 1971. They are identified by the cabin & mining symbols from the legend.

The diversion dam is located about 300 ft. North of the cabin. The water is piped down from the dam by $2\frac{1}{2}$ " pipe which is reduced to $\frac{3}{4}$ " by the time it reaches the cabin. The water is then utilized for household use, and also to sprinkle lawn and garden.

This water has been used since 1959 and the dam & pipeline were

RECORDED

placed in use. - in 1943.

I am also enclosing a copy of the deed whereby $\frac{1}{2}$ of the property was deeded to me.

September 7, 1966 and a Forest Service map of the Clearwater Forest.

Henry Hellman

MICROFILMED

April 19, 1977

Mr. Henry Hellman, Jr.
PO Box 4465
Missoula, Mt. 59806

Dear Mr. Hellman,

An Application for Permit must be filed to develop a legal water right on any water diverted from a ground water source after March 25, 1963 (excepting a well drilled for a single household). Any surface water diverted after May 20, 1971, must also be preceded by a permit from our Department. The above includes proposed new systems and enlargements of existing systems for development of larger quantities of water (Section 42-201 through Section 42-229, Idaho Code).

Existing water rights developed through diversion and application of water to a beneficial use prior to the above dates may be recorded by filing a Claim to a Water Right with our Department; however, it is not mandatory to do so (Section 42-225b, Idaho Code).

In order to establish a water right from either a ground water or surface water source, the water must be physically diverted and applied to a beneficial use. I am unsure from your letter whether it is your desire to use water or to reserve it. Perhaps a phone call to our office would be the best means of answering your questions.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

RECEIVED
APR 20 1977
MISSOULA, MT.

April 9, 1977

Dear Sir:

I would like to inquire as to how to apply for water rights.

We have two patented placer claims in the Clearwater Forest on a tributary of the North Fork of the Clearwater and would like to know if it would be practical to get the water rights to assure us of a water supply.

I would appreciate any information you could furnish as to how to go about this.

Sincerely,

Henry Hellman, Jr.

P.O. Box 4465

Missoula, Mont.

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MICROFILMED

Department of Water Resources

RECEIVED

APR

1977

RECEIVED

APR 13 1977

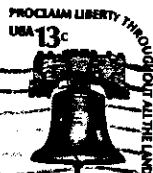
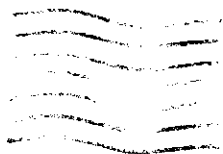
Department of Water Resources
Northern District Office

Department of Water Resources
Northern District Office



Henry Hellman, Jr.
P.O. Box 4465
Missoula, MT 59806

MICROFILMED



*State of Idaho
Dept. of Water Administration
Boise,
Idaho
83707*