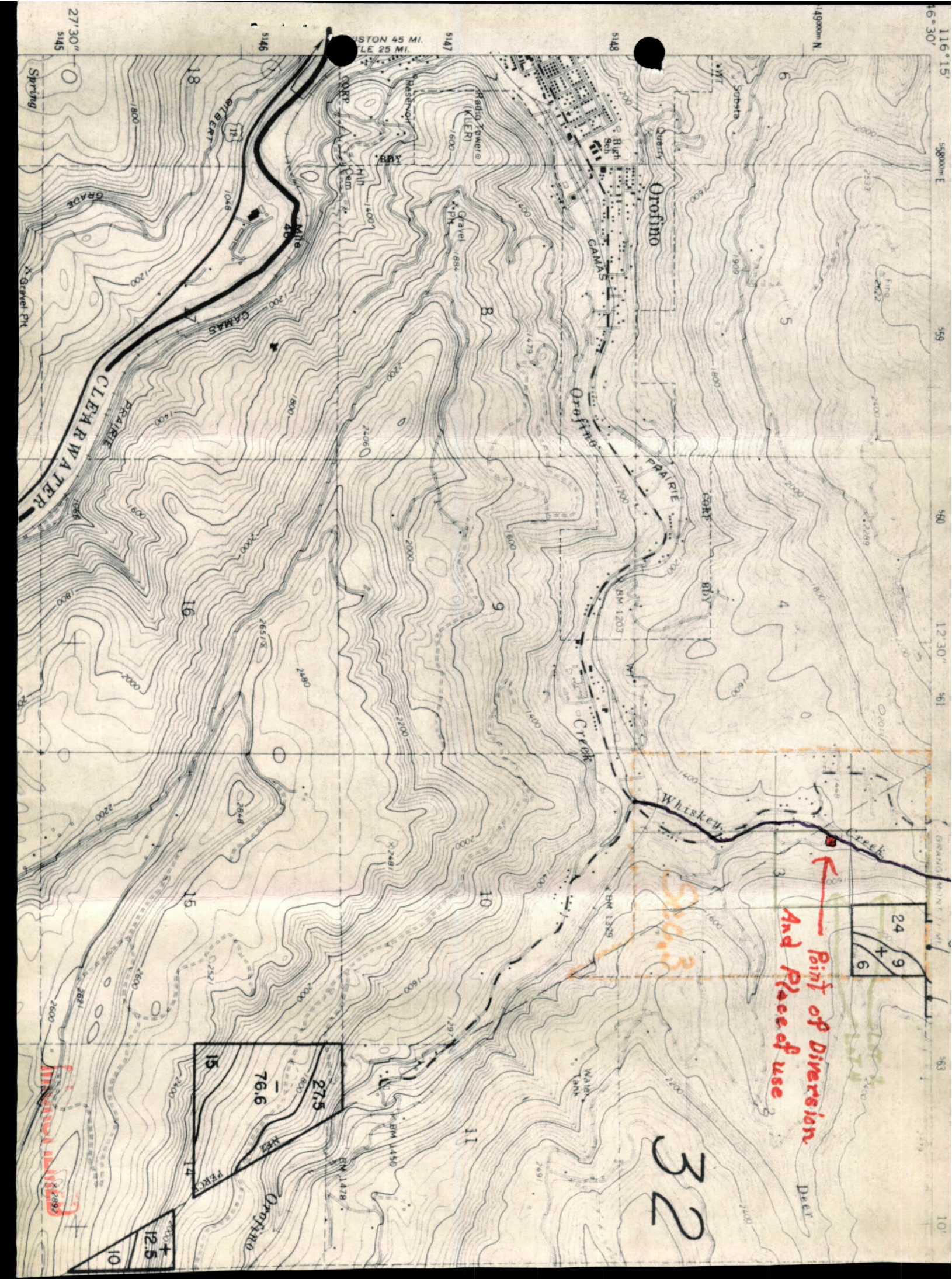




Point of Diversion
And Place of use

32

27.5
76.6
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

24
9
6

12.5
10

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 - Lester L. Barger

That said Notice of Claim

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 20th day of July, 1978, and ending on the 27th day of July, 1978

Subscribed and sworn to before me this 31st day of July, 1978

Nancy Noble
Beverly Wood

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

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Lester L. Barger, Box 403, Orofino, Id. has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from Whiskey Creek, tributary to Orofino Creek with point of diversion in the Gov. Lot 2, Sec. 3, T36N, R2E, B.M., Clearwater County.

The water is claimed to be used from March 1 to Nov. 15 for domestic purposes (0.04 cfs) and the irrigation of 1½ acres (0.02 cfs) with a priority of July 1951; the place of use is within the Gov. Lots 2 & 4 Sec. 3, T36N, R2E, B.M.

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
7-20,27c

OK 8-478 JB

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 Lester L. Barger
(name of claimant)
of Box 403 Orofino Idaho, 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) Whiskey Creek
 _____, tributary to, Orofino 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>.04 cfs</u> | Use | <u>Dom.</u> | Period of Use: | From | <u>March 15</u> | To | <u>Nov. 15</u> |
| Amount | <u>.02 cfs</u> | Use | <u>Irri.</u> | Period of Use: | From | <u>March 15</u> | To | <u>Nov. 15</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: .06 cfs cubic feet per second, or _____ acre feet
 per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) July 1951
- 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)
Lot 2 ~~X~~, Sec. 3 Twp. 36N Rge. 2E B. M. County of Clearwater
 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. Pump, 3/4 HP 1 inch Pipe
about 50 feet in length.

- (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.

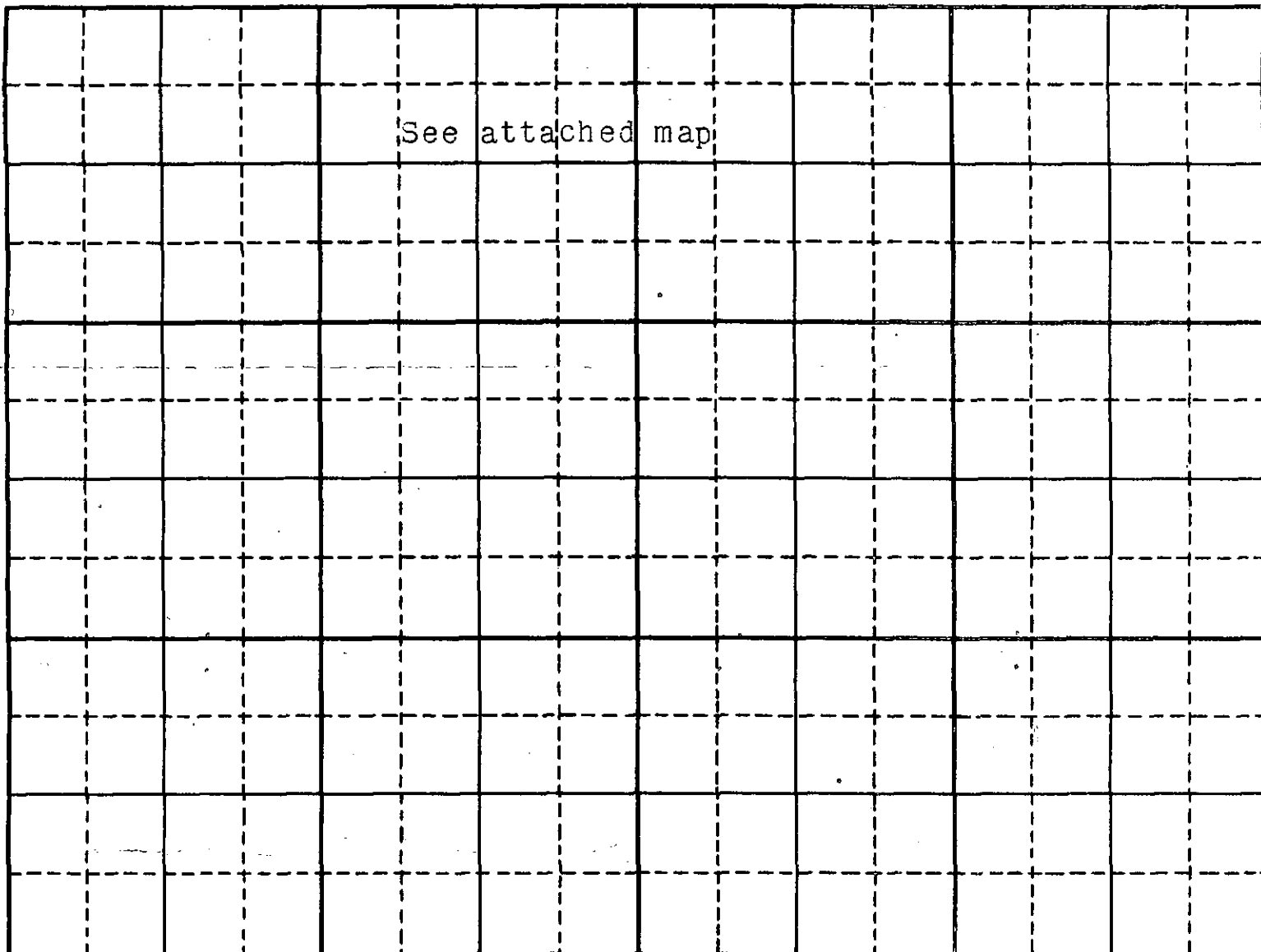
[illegible]

Total No. of acres 11 1/2

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

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

(8) Remarks Location of property cannot be shown on
This map because of Miss-Match of lines at the
former Nez Perce Indian Reservation line.
See attached map



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 Clearwater) 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.

Sworn to before me this 27 day of June

Leslie L. Barger
(Claimant), 19 78

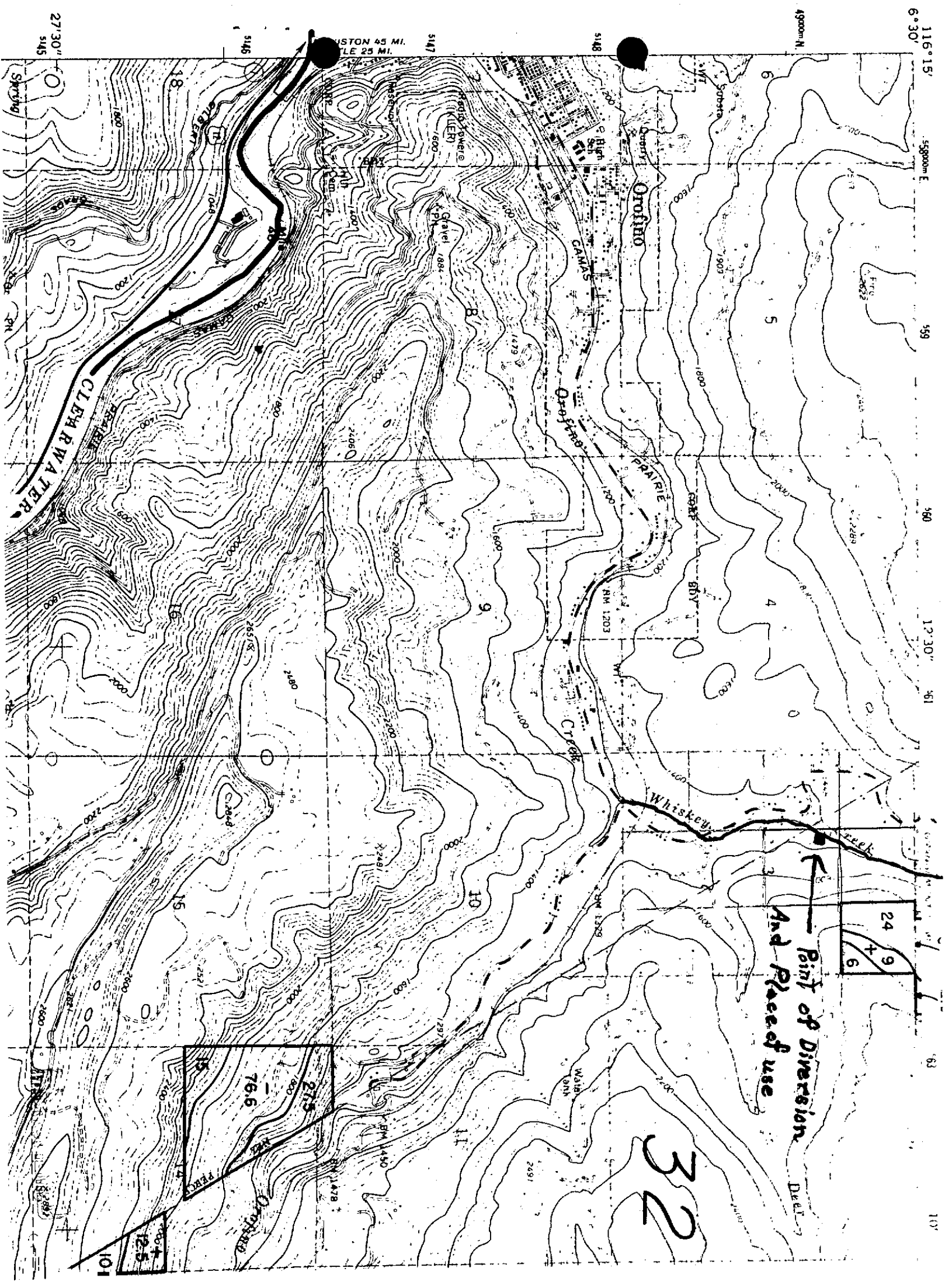
Notary Public

Residing at Onafine, ID 83544

My commission expires 28 Jul 1979

For Department Use Only

Received by B. Mason Date 6-30-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SK Date 7/6/78 claimant by: _____
\$10.00 fee received by SK Date 7-2-78 (10995)
Approved for publication by _____
Published in Clearwater Tribune - Orofino _____
Dates 9-20-78 27-78 _____
OK 8-4-78



I William H. White have personal knowledge that Lester L. Barger used water out of Whiskey Creek for irrigation purposes each year since, and including the year 1951 (Nineteen hundred fifty one).

William H. White
William H. White

Sworn to before me this 27 day of June 1978

James A. Claffey
Notary Public

Residing at Orofino, Id 83544

My Commission expires 28 July 1979

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 - Lester L. Berger

That said Notice of Claim

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

of July, 1978, and ending

on the 27th day of July, 1978

Nancy Noble

Subscribed and sworn to before me this 31st

day of July, 1978

Beverly Wood

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

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Lester L. Berger, Box 403, Orofino, Id. has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from Whiskey Creek, tributary to Orofino Creek with point of diversion in the Gov. Lot 2, Sec. 3, T36N, R2E, B.M., Clearwater County.

The water is claimed to be used from March 1 to Nov. 15 for domestic purposes (0.04 cfs) and the irrigation of 1½ acres (0.02 cfs) with a priority of July 1951; the place of use is within the Gov. Lots 2 & 4 Sec. 3, T36N, R2E, B.M.

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
7-20,27c

OK 8-4-78 JB

ACT
IONN OWNER LAST NAME - BARGER
N ADDRESS LINE 1 - P.O. BOX 403

FIRST NAME - LESTER L.

CITY - OROFINO

STATE - ID

N SOURCE - WHISKEY CREEK

TRIBUTARY OF - OROFINO CREEK

N STAGE - STATRY CLM

PRIORITY - 07-01-1951 COUNTY - CLEARWATER TOTAL DIV. RATE - .0600CFS

N DIVERSION POINT - 03 36N 02E LOT 02

N FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE - .0200CFS

N FROM - 03-15 TO - 11-15 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - IRRIGATION

PLACE OF USE - TWN 36N RNG 02E SEC 03

LOT 02

LOT 04

** W ** MISSING ACRES FOR IRRIGATION WATER USE

** W ** MISSING ACRES FOR IRRIGATION WATER USE

N REMARKS - AC. IRR.=1.5.

IDENT. NO. 84-4054

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 84-4054
Old No. New No.

Record

1. Original Owner: Lester L. Barger

Present Owner: _____

2. Address: P.O. Box 4033. City: Dropino State: ID Zip: _____4. A. Source of Water: Whiskey CreekB. Tributary of: Dropino 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: 7-1-1951D. County: 35E. Total Diversion Rate: .06

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): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion		<u>3</u>	<u>36N</u>	<u>2E</u>	<u>2</u>	

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

from 3-15 to 11-15 for A purposes. Amount .03
(cfs or AC-FT/yr)from 3-15 to 11-15 for D purposes. Amount .04

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. $Ac. In. = 1.5$
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):



STATE OF IDAHO

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

COEUR D'ALENE, IDAHO 83814

August 7, 1978

RE: Claim No. 34-4054

Lester L Barger
Box 403
Orofino, Id 83544

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 REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 12, 1978

Clearwater Tribune
Box 71
Orofino, Id 83544

RE: Claim No. 84-4054

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

RGH:ab

Enc: Legal Notice(s)

*Bill Received
8-4-78*

RECEIVED
JUL 13 1978
DEPT. OF WATER RESOURCES

NOTICE OF CLAIM TO A WATER RIGHT

NO. 84-4954

Notice is hereby given that Lester L Barger
Box 403, Orofino, Id
has filed a claim to a water right established by diversion and application
to beneficial use of 0.05 cubic feet per second gallons per minute
of water from Whiskoy Creek, tributary to Orofino Creek
with point of diversion in the _____
Gov Lot 2, Sec 3, T36N, R2E, B.M., Clearwater County
The water is claimed to be used from _____
March 14 to Nov 15 for domestic purposes (0.04 cfs) and the irrigation
of 1 1/2 acres (0.02 cfs)
with a priority of July 1977;
the place of use is within the Gov Lots 2 & 4 Sec 3, T36N, R2E, B.M.

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
on July 20 and July 27, 1978

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 12, 1978

RE: Claim No. 84-4054

Lester L Barger
Box 403
Orofino, Id 83544

Dear Mr Barger,

Attached is your receipt No. 10905 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

RECEIVED