

X - P.D. of place use

Sec 11
T35NRPE

Received by TKS Date 8-30-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RMA Date 8-31-77 claimant by: _____
\$10.00 fee received by TKS Date 8-30-77 15765
Approved for publication by RMA _____
Published in Chauvate Tribune-online _____
Dates 9-8 & 15-77 _____

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

No. 84-4041 Howard Barnes

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 8th day of September, 19 77, and ending on the 15th day of September, 19 77

Subscribed and sworn to before me this 16th day of September, 19 77

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

NOTICE OF CLAIM TO A WATER RIGHT NO. 84-4041

Notice is hereby given that Howard B. Barnes, Rt. 3, Box 21, Orofino, Id. has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from the Clearwater River with a point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11, 35N, 2 E.B.M., Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1956; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11, T35N, 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 September 8 and September 15, 1977.

9-8,15c

OK SDW
9-23-77

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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 Howard B. Barnes (name of claimant)
of Rt 3 Bx 21 Orofino, Ida 83544 (mailing address), claims a right to the diversion and beneficial use of 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) Clearwater River, tributary to, _____
- (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>0.04</u> | Use <u>Domestic</u> | Period of Use: From <u>Jan 1</u> To <u>Dec 31</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
| 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: 0.04 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) 1956

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 NW 1/4, Sec. 11 Twp. 35N Rge. 9E 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 w/ pipeline to place of 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	
35N	1E	11							X										

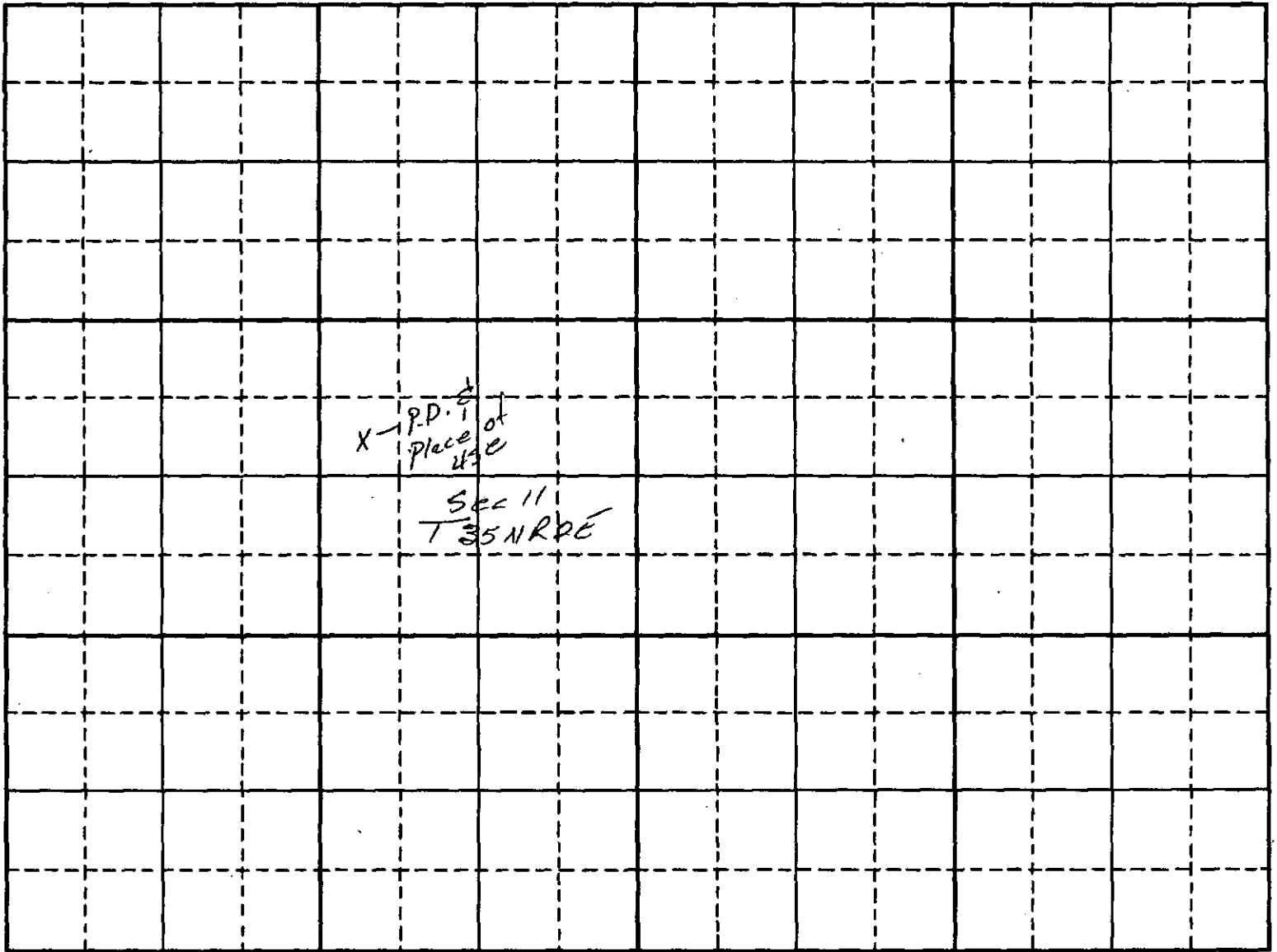
Total No. of acres _____

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

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

WATER RIGHTS

(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 Latah) 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.

Howard B. Parnes
(Claimant)

Sworn to before me this 30 day of August, 19 77.

Notary Public

Residing at

Rathbun, Id

My commission expires

September

For Department Use Only

Received by <u>SKS</u>	Date <u>8-30-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AKA</u>	Date <u>8-31-77</u>		claimant by:	
\$10.00 fee received by <u>AKA</u>	Date <u>8-30-77</u>	<u>5765</u>		
Approved for publication by <u>AKA</u>				
Published in <u>Chewater Tribune - Oxford</u>				
Dates <u>9-8-15-77</u>				

AFFIDAVIT OF PUBLICATION

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County of Clearwater } ss.

Nancy Noble

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Nancy Noble
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RESIDING AT OROFINO THEREIN

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C. Stephen Allred, Director
Published in the Clearwater Tribune, Orofino, Id. on September 8 and September 15, 1977.

9-8,15c

OK SDW
9-23-77

ACT
ION

X SOURCE - CLEARWATER RIVER

sv
Major Basin to Form

SPEEDWAY

WATER RIGHT NUMBER 84-4041

WATER RIGHTS EDIT REPORT

01/11/80

PAGE 36

ACT
ION
L

SOURCE - CLEARWATER RIVER

TRIBUTARY OF - SNAKE RIVER

More Business Form 101-101

SPRINT

ACT
IONN OWNER LAST NAME - BARNES
N ADDRESS LINE 1 - RT. 3 BOX 21

FIRST NAME - HOWARD B.

N
N SOURCE - CLEARWATER RIVER

CITY - OROFINO

STATE - ID ZIP CODE - 83544

N STAGE - STATRY CLM

PRIORITY - 06-01-1956 COUNTY - CLEARWATER TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - SWNW 11 35N 02E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - TWN 35N RNG 02E SEC 11 TRACT SWNW

3/79

IDENT. NO. 84-4041

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Old No.

New No.

1. Original Owner: Howard B. Barnes

Present Owner:

2. Address: Rt. 3 Box 21

3. City: Quilino State: 10 Zip: 83544

4. A. Source of Water: Chowwatek River

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): 9

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

C. Priority Date: 6-1-1954

D. County: 35

E. Total Diversion Rate: .04

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	SWNW	11	35N	2E		

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

from 1-1 to 12-31 for D purposes. Amount .04
(cfs or ~~AG~~ FT/yr)

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 _____

from to for purposes. Amount

8. Use Code: D

[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):

84-4041

Be sure this gets in
Permanent file +

OK to file

BDF

September 22, 1977

State of Idaho
Department of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814

RECEIVED

SEP 26 1977

Department of Water Resources
Northern District Office

Re: Claim to a Water Right #84-4041

Dear Sirs:

In accordance with Idaho State Code Section 42-225b, I, Alvin Smolinski, do here-by file an exception to the Claim of a Water Right #84-4041 made by one Howard B. Barnes.

The spring and the point of diversion which Mr. Barnes has filed on are within my property boundary. I have a written agreement with Mr. William Bolon allowing his use of the water on a temporary basis.

When the house of the claimant was built the owner of said house made a verbal agreement with the Bolons that in consideration for help in the up-keep of the conveyence system, the house which Mr. Barnes now owns would be allowed any excess water..

I nor my predessesors never made an agreement to allow Mr. Barnes to use the water.

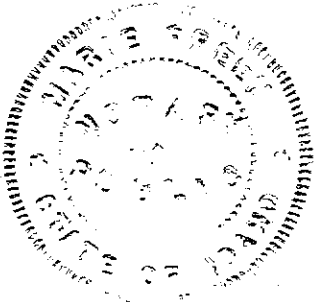
Alvin Smolinski
Alvin Smolinski

Subscribed and sworn before me this 22 day of September, 1977

Marie Green
NOTARY PUBLIC

Residing at Rt. 3 Orofino, Ida.

My commission expires 12-5-78



RECEIVED

September 29, 1977

RE: Claim No. 84-4041

Alvin Smolinski
Rt 3
Orofino, Id 83544

Dear Mr Smolinski,

We have received your correspondence concerning the above referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-225b, Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

MICROFILMED

September 29, 1977

RE: Claim No. 84-4041

Howard B Barnes
Rt 3 Box 21
Orofino, Id 83544

Dear Mr Barnes,

In reference to the above claim, the enclosed is a copy of an exception filed by Alvin Smolinski in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a Claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

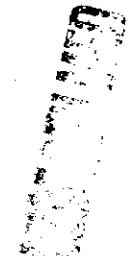
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If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab





STATE OF IDAHO

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

COEUR D'ALENE, IDAHO 83814

September 26, 1977

RE: Claim No. 84-4041 & 84-4042

Howard B Barnes
Rt 3 Box 21
Orofino, Id 83544

Dear Mr Barnes,

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

September 1, 1977

RE: Claim No 34-4041 & 34-4042.

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

RGH:ab

Enc: Legal Notice(s)

*Bill
received
9-23-77
SDW - OK*

NOTICE OF CLAIM TO A WATER RIGHT

NO. 84-4041

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Rt 3 Box 21, Orofino, Id

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to beneficial use of 0.04 cubic feet per second ~~gallons per minute~~
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with point of diversion in the SW $\frac{1}{4}$ Sec 11, 35N, 2E, B.M., Clearwater
County

The water is claimed to be used from Jan 1 to Dec 31
for domestic purposes

with a priority of 1956;
the place of use is within the SW $\frac{1}{4}$ Sec 11, T35N, R2E, B.M.

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C. STEPHEN ALLRED
Director

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RECORDED
INDEXED