

[illegible]

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.

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.

(Claimant)

_____, 19 77.
Clita Bogner
 ry Public

Received by CP Date 4-11-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$10.00 fee received by _____ Date _____
Approved for publication by JD 5-3-77 _____
Published in Chambers Tribune - as per _____
Dates 5-12-77 _____
OK 6-10-77 JD _____

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

Alex J. Irby

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 12th 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. 84-4030

Notice is hereby given that Alex J. Irby Rt. 2, Box 99E, Orofino, Id. has filed a claim to a water right established by diversion and application to beneficial use of 10 gallons per minute of water from ground water with point of diversion in the Gov Lot 1, Sec 3, T36N, R2E, B.M. Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes, with a priority of May 10, 1968 the place of use is within the Gov L 1, 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
5-12 & 5-26c

OK.
6-10-77
P

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 Alex J. Irby

(name of claimant)

of Route 2, Box 99-E, 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) Ground water
_____, 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>10 g.p.m.</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
Amount	<u> </u>	Use	<u> </u>	Period of Use:	From	<u> </u>	To	<u> </u>
	(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 10 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May 10, 1968

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)
Gov. L. 1 ¼ _____ ¼, 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. Well, pump, and 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.

[illegible]

Total No. of acres _____

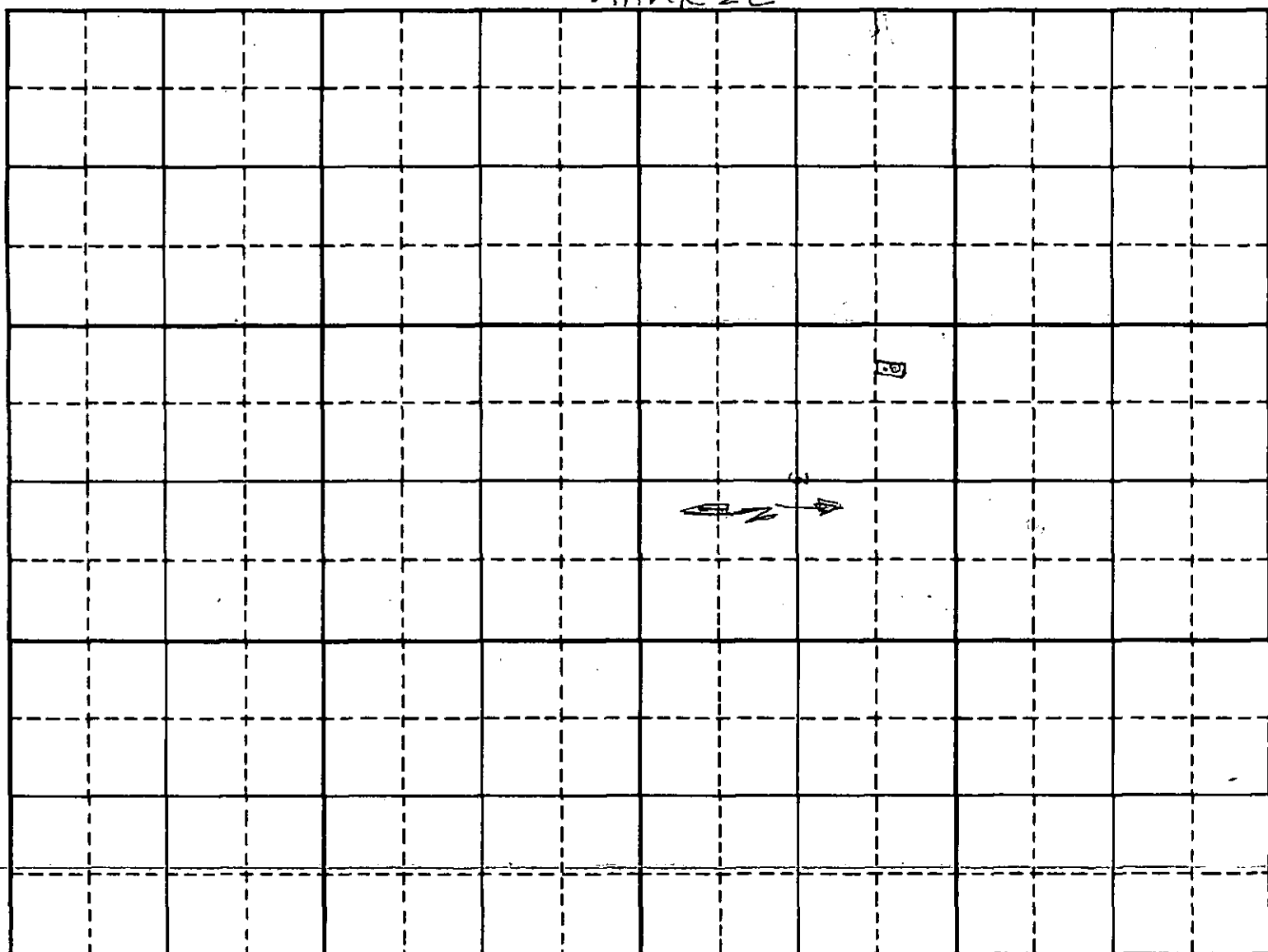
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic purposes for one household and lawn and garden irrigation.

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

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(8) Remarks _____

Range 2E



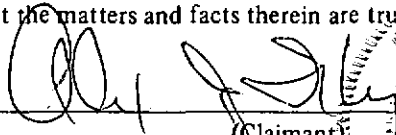
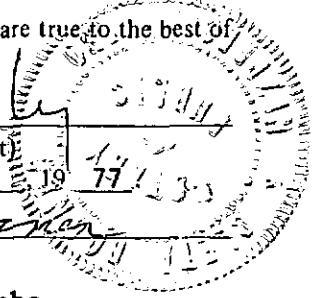
Scale: 2 inches equal 1 mile.

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)
) ss.
County of Clearwater)

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 8th day of April


(Claimant)

Cheta Bogdan
Notary Public

Residing at Nezperce, Idaho

My commission expires 9-1-8-

For Department Use Only

Received by <u>CP</u>	Date <u>4-22-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CP</u>	Date <u>4-11-77</u>		claimant by:	
\$10.00 fee received by <u>CP</u>	Date <u>5-3-77</u>			
Approved for publication by <u>CP</u>				
Published in <u>Clearwater Tribune - as per</u>				
Dates <u>5-12-77</u>				
<u>01-6-10-77</u>				

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

Alex J. Irby

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 12th 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. 84-4980

Notary hereby certifies that Alex J. Irby Rt. 2, Box 99E, Orofino, ID, has filed a claim to a water right established by diversion and application to beneficial use of 10 gallons per minute of water from ground water with point of diversion in the Gov Lot 1, Sec 3, T36N, R2E, B.M. Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes, with a priority of May 10, 1968 the place of use is within the Gov L 1, 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
5-12 & 5-26c

OK.
6-10-77
B

ACT

IDN

X DIVERSION POINT - 03 36W 02E LOT 01

L DIVERSION POINT - NWNW 03 36W 02E LOT 01

ACT
ION

N OWNER LAST NAME - IRBY

FIRST NAME - ALEX J.

N ADDRESS LINE 1 - RT. 2 BOX 99E

CITY - OROFINO

STATE - ID

N SOURCE - GROUNDWATER

N STAGE - STATRY CLM

PRIORITY - 05-10-1968 COUNTY - CLEARWATER TOTAL DIV. RATE - .0220CFS

N DIVERSION POINT - 03 36N 02E LOT 01

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 36N RNG 02E SEC 03 TRACT NWNW LOT 01

IDENT. NO. 84-4030

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 184-4030
 OTd No. _____ New No. _____

Record

1. Original Owner: Alex J. Kirby

Present Owner: _____

2. Address: Rt. 2 Box 99E

3. City: Orofino State: Id Zip: _____

4. A. Source of Water: Gr

B. Tributary of: _____

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

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

C. Priority Date: 5-10-1968

D. County: 35

E. Total Diversion Rate: .02

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>1</u>	

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

from 1-1 to 12-31 for D purposes. Amount .02
 (cfs or AC-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 _____

8. Use Code: D

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
36N	2E	3					L1												

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):



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. 84-4030

Alex J Irby
Rt 2 Box 99-E
Orofino, Id 83544

Dear Mr Irby ,

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

RECORDED



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 5, 1977

RE: Application No's. 84-7044; 84-7043.
Claim to a Water Right No. 84-4030

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:cp

Legal Notice(s)

RECEIVED
MAY 11 1977

Bob [unclear]
6-12-77
[Signature]

NOTICE OF CLAIM TO A WATER RIGHT

NO. 84-4030

Notice is hereby given that Alex J Irby
Rt 2, Box 99E, Orofino, Id

has filed a claim to a water right established by diversion and application
to beneficial use of 10 ~~xxxxxxx~~ cubic feet per second gallons per minute
of water from ground water
with point of diversion in the Gov Lot 1, Sec 3, T36N, R2E, B.M.
Clearwater County

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

with a priority of May 10, 1968 ;
the place of use is within the Gov L 1, 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 May 12, and May 19, 1977

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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 2, 1977

RE: Claim No. 84-4030

Alex J Irby
Rt 2 Box 99E
Orofino, Id 83544

Dear Mr Irby,

Attached is your receipt No. 5454 in the amount of \$ 10.00 for the
filing fee on the above referenced item which was received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment

MICROFILMED

April 18, 1977

Mr. Alex J Irby
Rt 2 Box 99-E
Orofino, Id 83544

Dear Mr. Irby,

Your check #92-123, Claim to a Water Right, and Application for a Permit are being returned to you for possible changes.

Since the claim is your sworn statement, I am not at liberty to make any corrections or efforts at clarification on it. Therefore, please allow me to aid you in making a few corrections that I feel will make your claim more valuable to you.

After speaking with Mr. Ike Lough of the Clearwater County Assessors office, I can appreciate the difficulty you may have experienced in obtaining the legal description you have provided this office.

The point of diversion, Item #5 refers to the gov't lot in which the well is located. From the map (with North to the top of the page), I gather that the well (point of diversion) is located in gov't lot #2.

The place of use (Item #6A) refers to the location of the house. Using NW₁ NW₄ as Lot 1 and SW₁ NW₄ as Lot 2, please place an X in the box where the house would be located. Also please copy the map from the application onto the claim form. Mr. Lough was kind enough to offer his services to aid you in completing your form if you should have any more difficulties.

If you have any further questions, feel free to contact us.

Very truly yours,

Tom King
Senior Water Resource Agent

TK:ab

Enclosures

March 10, 1977

Mr. Alex J. Irby
Route 2, Box 99-E
Orofino, ID 83544

Dear Mr. Irby:

We have taken the liberty of transferring the information you submitted on the Application for Permit form on to a "Claim to a Water Right" form. We are returning it to you for your review and signature, along with your Check No. 92-123 in the amount of \$10.

You stated on the application form that the well had been used for domestic purposes since May 10, 1968. If this is the case, a water right would have been established by diversion and application of the water to a beneficial use. It is not necessary to file anything with our Department in this situation; however, you may desire to record the right by filing the enclosed Claim form with our office.

Should you decide to file the Claim with our office, please review all items on the form carefully. Please note that we have not completed the quarter-quarter section or the section under Item 5. We were not certain of the location of your well from the information given on the application form. This information should be completed as accurately as possible. Also have your signature notarized on the back of the form and return it to us along with the required \$10 filing fee.

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

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:cp

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

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Governor

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

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If you have any further questions, feel free to contact us.

Very truly yours,

Tom King
Tom King
Senior Water Resource Agent

TK:ab

Enclosures

DEAR Mr. King:
I certainly thank you for your consideration,
At time, I hope this time that the Application is
Right.
Sincerely yours
Alex J Irby

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