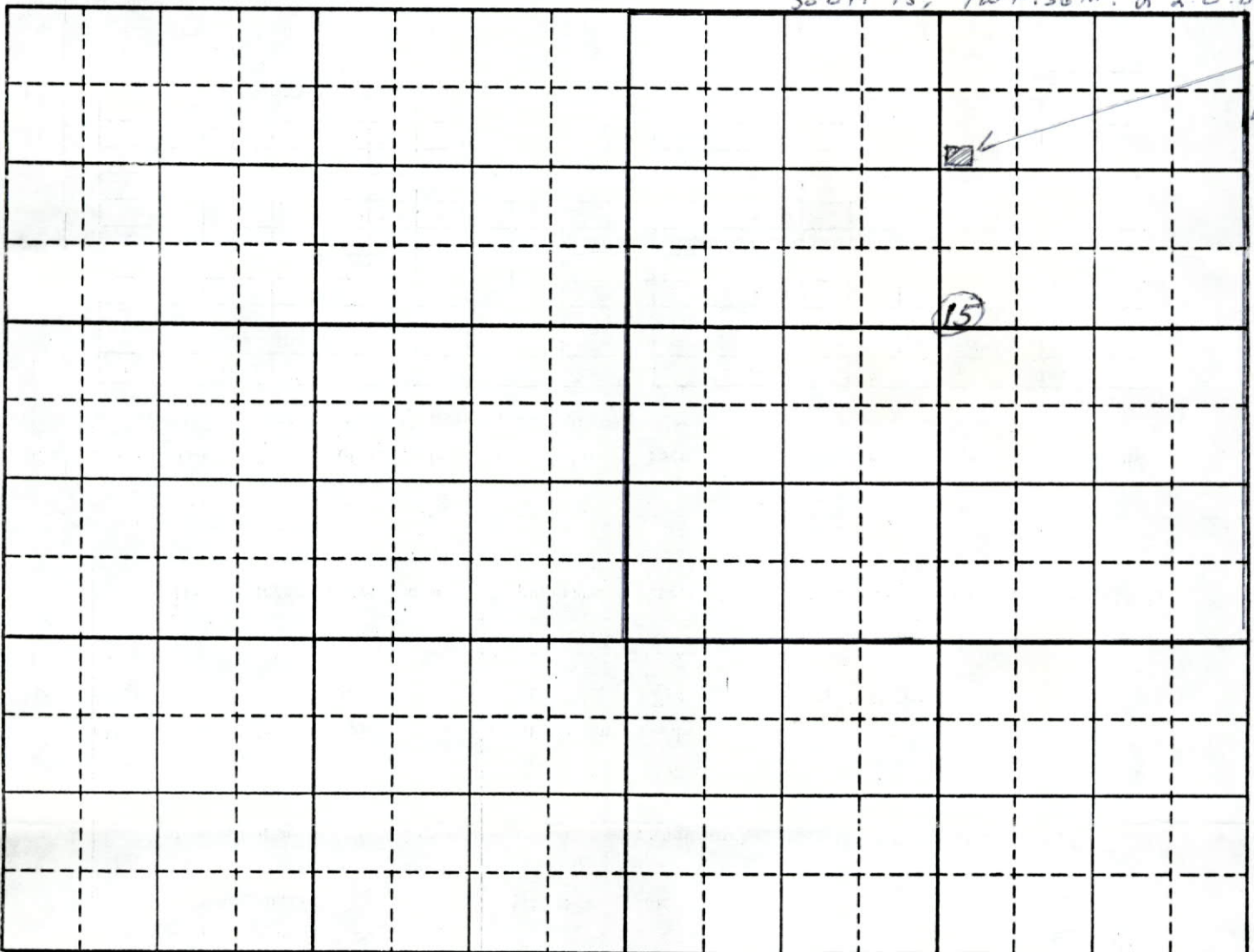


(8) Remarks LONG ESTABLISHED DOMESTIC USE OF
SPRING ARISING ON OWN LAND

SECT: 15, TWP. 36 N., R. 2 E. B. 40



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 26TH day of NOVEMBER, 19 72.

Resident E. Robinson
(Claimant)

Notary Public

Residing at NEZPERCE, IDAHO

My commission expires MARCH 6, 1975

For Department Use Only

Received by <u>CP</u>	Date <u>11-27-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>FB</u>	Date <u>11/30/73</u>		claimant by:	
\$10.00 fee received by <u>FB</u>	Date <u>11/30/73</u> #12270			
Approved for publication by <u>FB</u>				
Published in <u>CLEARWATER TRIBUNE</u>				
Dates <u>12-6 & 12-13-73</u>				

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 5 1974

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 Water Right

Reuben Anderson

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 20th day of June, 19 74, and ending on the 27th day of June, 19 74

Nancy Noble

Subscribed and sworn to before me this 28th day of June, 19 74

W. A. [Signature]

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

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Reuben E. Anderson filed a Claim to a Water Right No. 84-4015, claiming a right to the diversion and beneficial use of 15 gallons per minute of water from a Spring, with point of diversion in the NW¹/₄NE¹/₄, Sec. 15, T. 36N, R. 2E, B.M., Clearwater County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1908. The place of use was within the NW¹/₄NE¹/₄, Sec. 15, T. 36N, R. 2E, B.M.

The claimant now proposes to amend Claim No. 84-4015, claiming 15 gallons per minute from a Spring, with point of diversion in the S¹/₂SE¹/₄, Sec. 10, T. 36N, R. 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 1908. The place of use is within the SE¹/₄SE¹/₄, Sec. 10, T. 36N, R. 2E, B.M.

Any exception to the proposed amending of this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Clearwater Tribune, Orofino, Idaho on June 20 and June 27, 1974.

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. 84-4015 R. Anderson

That said 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 December, 19 73, and ending on the 20th day of December, 19 73

Nancy Noble

Subscribed and sworn to before me this 4th day of January, 19 74

[Signature]

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

RECEIVED

JAN 11 1974

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 84-4015

Notice is hereby given that Reuben E. Anderson, Route No. 2, Box 59, Orofino, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 15 gpm of water from a Spring with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 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 1908; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

An exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director
12-20, 27 c.

84 4015

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

AMENDED

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 Reuben E. Anderson
(name of claimant)

of Route 2, Box 59, Orofino, Idaho 83544, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to Orofino Creek

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) natural spring
arising on applicant's own land

- (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>15 g.p.m.</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Janl. 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: _____ cubic feet per second, or _____ acre feet per annum, and/or 15 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1908

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)

S $\frac{1}{2}$ $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10 Twp. 36 N Rge. 2 E 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. diverted by one inch pipe to home storage tank and livestock tanks

- (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 $\frac{1}{4}$ acre

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
used for domestic waters, livestock and irrigation of garden

- (7) If you are claiming water as a member of an organization, list name of organization: none

(8) Remarks long established domestic use of spring arising from own land

[illegible]

Received by CP Date 6-12-74
Prelim. check by FB Date 6-12-74
\$10.00 fee received by N/A Date N/A
Approved for publication by FB
Published in CLEARWATER TRIBUNE
Dates 6-20 & 6-27-74

Exception filed by:	Forwarded to claimant by:	Date
_____	_____	_____
_____	_____	_____

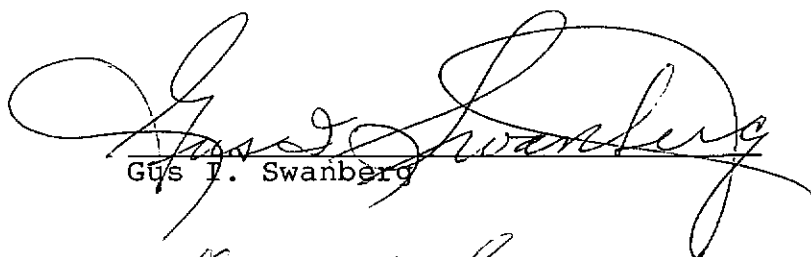
AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Clearwater)

Pursuant to the "exception" provision of Idaho Code Section 42-225b, GUS I. SWANBERG and DORMAE J. SWANBERG, hereinafter referred to as the affiants, being first duly sworn, disagree that Rueben E. Anderson has established a water right as set forth in Amended Claim No. 84-4015.

The affiants further state that Rueben E. Anderson is attempting to secure water rights in a spring that has previously been appropriated by affiants and their predecessors.

FUTHERMORE, the affiants state that Rueben E. Anderson has recently appropriated water from said spring in direct contravention of affiants established rights.


Gus I. Swanberg


Dormae J. Swanberg

SUBSCRIBED and SWORN to before me this 3rd day of July, 1974.


Notary Public
In and for the State of Idaho
Residing at Orofino.

OK
7/8/74

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 REUBEN E. ANDERSON
(name of claimant)

of R.T. 2 Box 59, OROFINO, IDAHO, claims a right to the diversion and beneficial use of
(mailing address)

ground water or surface water tributary to OROFINO CREEK;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) NATURAL SPRING ARISING ON APPLICANTS OWN LAND
- (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 15 C.P.M. Use DOMESTIC Period of Use: From JAN. 1 To DEC. 30
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: _____ cubic feet per second, or _____ acre feet per annum, and/or 15 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1908

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)

NW 1/4 NE 1/4, Sec. 15 Twp. 36N Rge. 2E 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. DIVERTED BY 1" INCH

PIPE TO HOME STORAGE TANK & LIVESTOCK TANKS

- (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	
36N	2E	15		1/4															1 1/4 ACRES

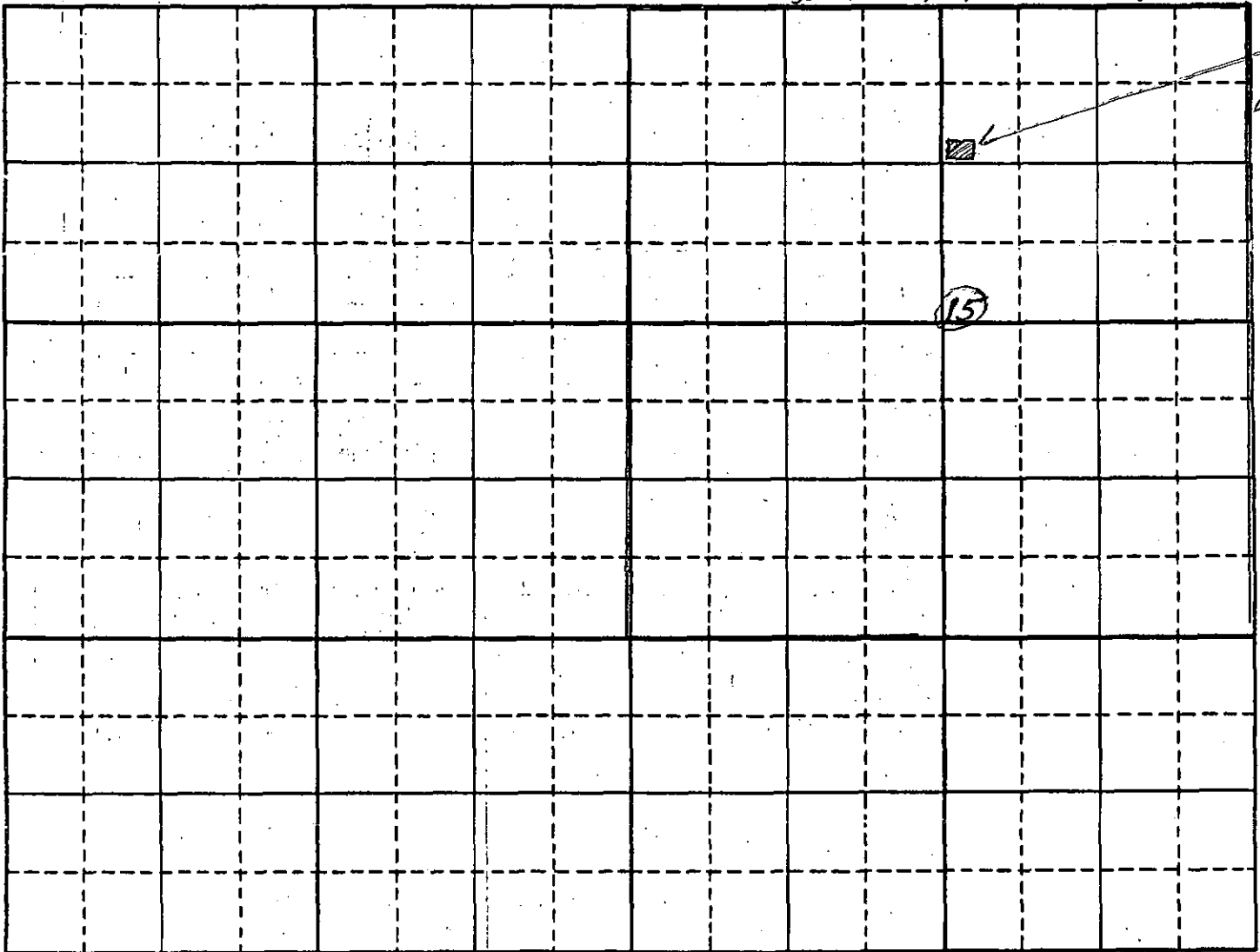
Total No. of acres 1 1/4 ACRES

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
USED FOR DOMESTIC WATER, LIVESTOCK & IRRIGATION OF GARDEN

- (7) If you are claiming water as a member of an organization, list name of organization: NONE

(8) Remarks LONG ESTABLISHED DOMESTIC USE OF
SPRING ARISING ON OWN LAND

SECT. 15, TWP. 36 N. R. 2 E. B. 11



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 26TH day of NOVEMBER, 19 73.

Richard E. Anderson
(Claimant)

James R. Anderson
Notary Public

Residing at NEZ-PORE, IDH 110

My commission expires MARCH 6, 1975

For Department Use Only

Received by <u>CP</u>	Date <u>11-27-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>FB</u>	Date <u>11/30/73</u>		claimant by:	
\$10.00 fee received by <u>FB</u>	Date <u>11/30/73</u> #12270			
Approved for publication by <u>FB</u>				
Published in <u>CLEARWATER TRIBUNE</u>				
Dates <u>12-10 & 12-13-73</u>				

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 5 1974

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

Department of Water Administration
Northern District Office

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 Water Right

Reuben Anderson

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 20th day of June, 1974, and ending on the 27th day of June, 1974

Nancy Noble

Subscribed and sworn to before me this 28th day of June, 1974

David [Signature]

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

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Reuben E. Anderson filed a Claim to a Water Right No. 84-4015 claiming a right to the diversion and beneficial use of 15 gallons per minute of water from a Spring, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M., Clearwater County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1908. The place of use was within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

The claimant now proposes to amend Claim No. 84-4015, claiming 15 gallons per minute from a Spring, with point of diversion in the S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 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 1908. The place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 2E, B.M.

Any exception to the proposed amending of this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Clearwater Tribune, Orofino, Idaho on June 20 and June 27, 1974.

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. 84-4015 R. Anderson

That said 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 December, 1973, and ending on the 20th day of December, 1973

Nancy Noble

Subscribed and sworn to before me this 4th day of January, 1974

[Signature]

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

RECEIVED

JAN 11 1974

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 84-4015

Notice is hereby given that Reuben E. Anderson, State No. 2, Box 59, Orofino, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 15 gpm of water from a Spring with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 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 1908; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

An exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

12-20, 27 c.

84 4015

ACT
IONN OWNER LAST NAME - ANDERSON
N ADDRESS LINE 1 - RT. 2 BOX 59

FIRST NAME - REUBEN E.

N
N SOURCE - SPRING

CITY - OROFINO

STATE - ID ZIP CODE - 83544

N STAGE - STATRY CLM

TRIBUTARY OF - OROFINO CREEK

PRIORITY - 06-01-1908 COUNTY - CLEARWATER TOTAL DIV. RATE -

.0300CFS

N DIVERSION POINT - SWSE 10 36N 02E

SESE 10 36N 02E

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

USE DIV. RATE - .0300CFS

N USE - DOMESTIC

PLACE OF USE - TWN 36N RNG 02E SEC 10 TRACT SESE

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No.

OTd No.

New No.

1 84-4015

Record

1. Original Owner: ~~Reuben~~ Reuben E. Anderson

Present Owner: _____

2. Address: Rt. 2 Box 593. City: Dropino State: ID Zip: 835444. A. Source of Water: SpringB. Tributary of: Dropino Creek5. A. Stage (A,P,L,D,S,J): 8

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

C. Priority Date: 6-1-1908D. County: 35E. Total Diversion Rate: .03

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>SWSE</u>	<u>10</u>	<u>36N</u>	<u>2E</u>		
	<u>SESE</u>	<u>10</u>	<u>36N</u>	<u>2E</u>		

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

from 1-1 to 12-31 for D purposes. Amount .03
(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 _____

CJA 9-20-79

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Acc. In. = .25
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):

MEMO

TO: WHOM IT MAY CONCERN

FROM: Northern District

DATE: July 10, 1974

SUBJECT: Amended Claim No. 84-4015 - Reuben E. Anderson

I think we will keep this particular file for awhile, as these people really seem to have a problem. They just can't agree on anything!

The Amended Claim has been processed, but I know more correspondence is going to come in from both parties, so we'll send it down when things have been settled.

CORDA JUNE

Corda June
North

MICROFILMED

July 10, 1974

Re: Claim to a Water Right No. 84-4015

Mr. Reuben E. Anderson
Route 2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

Our Department has completed the processing of your Amended Claim No. 84-4015, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your Claim will be retained in our files for future reference.

Enclosed is a copy of your Claim for your records. If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: Mr. Loren G. Knutson, Attorney

bcc: Boise Office

RECEIVED
JUL 11 1974

July 10, 1974

Re: Claim to a Water Right No. 84-4015

Mr. Reuben E. Anderson
Route 2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

Pursuant to Section 42-225b of the Idaho Code, enclosed is a copy of an exception filed by Mr. and Mrs. Gus I. Swanberg in connection with the above referenced Claim.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: Mr. Loren G. Knutson, Attorney

bcc: Boise Office ✓

MICROFILMED

July 10, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. and Mrs. Gus I. Swanberg
Orofino
Idaho 83544

Dear Mr. and Mrs. Swanberg:

We have received your correspondence in connection with the above referenced Claim. Pursuant to Section 42-225b of the Idaho Code, the information you submitted has been included in Mr. Anderson's file and a copy has been forwarded to said claimant.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: Mr. Nick Chenoweth, Attorney

bcc: Boise Office ✓

MICROFILMED

RECEIVED 7-8-1974. 4
DEPT. OF WATER RESOURCES

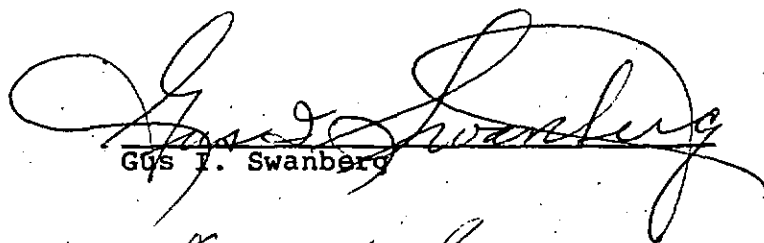
AFFIDAVIT

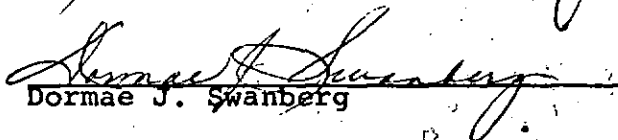
STATE OF IDAHO)
) ss.
County of Clearwater)

Pursuant to the "exception" provision of Idaho Code Section 42-225b, GUS I. SWANBERG and DORMAE J. SWANBERG, hereinafter referred to as the affiants, being first duly sworn, disagree that Rueben E. Anderson has established a water right as set forth in Amended Claim No. 84-4015.

The affiants further state that Rueben E. Anderson is attempting to secure water rights in a spring that has previously been appropriated by affiants and their predecessors.

FUTHERMORE, the affiants state that Rueben E. Anderson has recently appropriated water from said spring in direct contravention of affiants established rights.


Gus I. Swanberg


Dormae J. Swanberg

SUBSCRIBED and SWORN to before me this 3rd day of July, 1974.



Notary Public
In and for the State of Idaho
Residing at Orofino.

MICROFILMED

OK
76 7/8/74

July 25, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. Michael P. Wasko
Rapaich & Knutson
Miller Building
Nezperce, ID 83543

Dear Mr. Wasko:

Your July 12th letter concerning the objection filed on Reuben E. Anderson's Claim to a Water Right No. 84-4015 has been forwarded to us for a reply.

You are correct in that the exception filed by Mr. & Mrs. Swanberg does not enumerate the specific items of the claim to which they object. However, Section 42-225b, Idaho Code, requires only that the exception be filed in affidavit form, with such proof as the person filing the exception deems appropriate. The information contained in this exception along with the information contained in the claim, will be considered by the court in a determination of the water rights, if that is ever necessary.

There are no provisions in the statutes, dealing with a survey of existing rights for holding an administrative hearing. Section 42-237b, Idaho Code, to which you refer, pertains to a claim of interference on a surface or ground water right by another ground water right.

A hearing on an exception to a claim to an existing water right should never be necessary, since a claim is only a written statement that a diversion and beneficial use of the water has taken place in the past. The filing of a claim does not allow the development of a new water right, or the expansion of an existing right. All new development for the use of surface water must be accomplished after a permit is issued for the appropriation of the water. The application for permit must be filed in good faith and is, of course, subject to protest by those who feel they will be injured. For these protests to be acceptable they must include as a basis of protest one of the items set out in Section 42-203, Idaho Code, which we feel eliminates most protests that are filed for purposes of harassment.

The proper forum to settle the dispute, in this instance where two users are claiming

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an existing water right that has been established by the diversion and beneficial use of the water, is the District Court.

Please do not hesitate to contact us if we can be of further assistance to you.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

Enc: Copy of letter to Swanburg

COPY
MICROFILMED

July 25, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. & Mrs. Gus I. Swanberg
Orofino,
Idaho 83544

Dear Mr. & Mrs. Swanberg:

You recently filed an exception to Claim No. 84-4015, Filed by Reuben E. Anderson.

This exception was very general in its contents, and we feel it would serve a more valuable purpose if you would state which specific items, or statements, you disagree with on the claim filed by Mr. Anderson.

Any additional exceptions must also be submitted in affidavit form.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jg

cc: Michael P. Wasko

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JUL 22 1974

Department of Water Resources

BOB FLEENOR:

Here's this mess that Fred called you about. Hope you can do more with it than we've been able to!

Corda June

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COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
MILLER BUILDING
NEZPERCE, IDAHO 83543
WEST 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

July 12, 1974

Fred Eisenbarth
North District Manager
Dept. of Water Administration
401 Front Avenue Room 209
Coeur D'Alene, Idaho 83814

RECEIVED

JUL 16 1974

Department of Water Resources
Northern District Office

Dear Mr. Eisenbarth:

First, enclosed is Howard Hess' application for a permit to appropriate water. The Hess' plans are to double the amount of pasture on their Lawyer Canyon property. The plans and necessary material could not fit all on one application form, so we used two (2) forms. Total amount to be appropriated is 0.76 cfs. The two (2) forms are to be treated as one (1) application, but the Hess' plans break down into two parts. Thus, enclosed is a twenty-five dollar (\$25.00) check for the entire application.

Second, recently Mrs. Reuben Anderson came into our office with a copy of an exception to their claim of water rights, apparently filed with your department and apparently sent to the Andersons by your department. The exception or protest seems wholly and literally inadequate. Its meaning can only be reached upon speculation by the Andersons.

If you would, please request Mr. & Mrs. Gus I. Swanberg to clarify the basis for the submission of their protests. Apparently, they have three (3) objections, but we are not able to reasonably discover exactly at what their protests are directed. We would like to make up a counter-affidavit for the Andersons, but we can't determine Mr. & Mrs. Swanberg's basis of an objection.

Also, the exception is inadequate to call for an administrative hearing under Idaho Code 42-237b. While on the subject of administrative hearings, I noticed there is nothing that says the claimant must ask to receive an administrative hearing. To the contrary, the statute reads as though the hearing is automatic so long as the statement is in the required form. Of course, the person can request a hearing.

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Another statutory omission is clearly illustrated, apparently, in this Reuben Anderson claim. There is no statutory requirement for filing an exception in good faith or any penalty for not so doing. There is a requirement of good faith for the application for permit to appropriate in Idaho Code 42-203, but nowhere else. Without a good faith provision and penalty for lack of good faith in Chapter 2 Title 42, the exception provision can become a tool of harassment. If such is the case here, we don't know.

The above objectionable features in the statutes may or may not be by legislative design. Legislative intent, whatever it might be, is not clear from the statutes.

Except for the above paragraph on administrative hearings, we intend to request the legislature to make the necessary amendments.

The provision for filing a constitutional water right and protest thereto found in Idaho Code 42-225b would seem to be necessarily read in conjunction with Idaho Code 42-237b, provision for administrative hearings. The reason is that both parties would be claiming water rights and someone must be using the water, so this would fall under the purview of the administrative hearing provision.

As this is your area of responsibility and expertise, we would gladly welcome your comments or advice. Again, we thank you for all the consideration and help you have given us.

Very truly yours,

RAPAICH & KNUTSON

Michael P. Wasko

Michael P. Wasko
Legal Intern

MPW/jw

CC: Mr. & Mrs. Reuben Anderson

ENC: Application for permit with \$25.00 check; two copies of Request for Clarification.

P.S. Today we received your material on the Reuben Anderson filing.

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COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
MILLER BUILDING
NEZPERCE, IDAHO 83543
WEST 7.2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

July 12, 1974

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JUL 16 1974

Department of Water Resources
Northern District Office

Fred Eisenbarth
North District Manager
Dept. of Water Administration
401 Front Avenue Room 209
Coeur D'Alene, Idaho 83814

Dear Mr. Eisenbarth:

RE: Request for Clarification

Please request Mr. & Mrs. Swanberg to:

- 1) clarify their objections (apparently three);
- 2) describe the water rights claimed by them, with amount of water, date of priority, mode of acquisition, and place of use of said right, if said right is for irrigation, legal description of the lands to which such land is appertenant;
- 3) a similar description of the Anderson's water rights so far as is known to the Swanbergs;
- 4) a detailed statement in concise language of the facts upon which Mr. & Mrs. Swanberg found their belief that their rights are being adversely affected.

Thank You.

Very truly yours,

RAPAICH & KNUTSON


Loren G. Knutson

LGK/jw

CC: Mr. & Mrs. Reuben Anderson

MICROFILMED

July 10, 1974

Re: Claim to a Water Right No. 84-4015

Mr. Reuben E. Anderson
Route 2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

Our Department has completed the processing of your Amended Claim No. 84-4015, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your Claim will be retained in our files for future reference.

Enclosed is a copy of your Claim for your records. If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: Mr. Loren G. Knutson, Attorney

bcc: Boise Office

MICROFILMED

July 10, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. and Mrs. Gus I. Swanberg
Orofino
Idaho 83544

Dear Mr. and Mrs. Swanberg:

We have received your correspondence in connection with the above referenced Claim. Pursuant to Section 42-225b of the Idaho Code, the information you submitted has been included in Mr. Anderson's file and a copy has been forwarded to said claimant.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: Mr. Nick Chenoweth, Attorney

bcc: Boise Office

MICROFILMED

July 10, 1974

Re: Claim to a Water Right No. 84-4015

Mr. Reuben E. Anderson
Route 2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

Pursuant to Section 42-225b of the Idaho Code, enclosed is a copy of an exception filed by Mr. and Mrs. Gus I. Swanberg in connection with the above referenced Claim.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enclosure

cc: Mr. Loren G. Knutson, Attorney

bcc: Boise Office

MICROFILMED

June 21, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. and Mrs. Gus I. Swanberg
Orofino
Idaho 83544

Dear Mr. and Mrs. Swanberg:

This is to advise you that Reuben E. Anderson has submitted an Amended Claim to our office, changing the location of the Point of Diversion and Place of Use from the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 15, to the S $\frac{1}{2}$ of the SE $\frac{1}{4}$, Sec. 10, Township 36 North, Range 2 East, BM.

If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

cc: Mr. Wm. H. Mulberry, Attorney

MICROFILMED

June 14, 1974

Mr. Loren G. Knutson
RAPAICH & KNUTSON
Miller Building
Nezperce, ID 83543

Dear Mr. Knutson:

We have received the Amended Claim to a Water Right No. 84-4015 for Reuben E. Anderson and have begun its processing.

In reviewing our records, the only water rights that have been filed with our Department on Lawyers Creek are the following:

License No. 85-2125 (Ernest Meisner)
Priority Date: July 9, 1962
Amount: 0.03 cubic feet per second
Use: Domestic and Irrigation purposes
Location: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Township 33
North, Range 3 East, BM

License No. 85-2145 (Mayo Robison)
Priority Date: February 20, 1967
Amount: 0.12 cubic feet per second
Use: Irrigation purposes
Location: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, Township 33
North, Range 3 East, BM

Two other permits were recently issued for diversion of water from Lawyers Creek; however, they both are recorded with a 1974 priority date. These permits were issued to B. Edward Peterson (No. 85-7078) and Willard N. Rogers (No. 85-7079). As you know, there may also be other Constitutional Water Rights on Lawyers Creek which have not been recorded with our Department.

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Page 2
Loren G. Knutson
June 14, 1974

Several Water Rights forms were mailed to your office June 13. We apologize for the delay in sending these forms, but it was necessary to order a supply from our Boise Office and we did not receive them until yesterday.

If we may be of any further assistance, please contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

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COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
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WEST 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

June 11, 1974

RECEIVED

JUN 12 1974

State of Idaho
Department of Water Administration
401 Front Avenue. Room 209
Coeur D'Alene, Idaho 83814

Department of Water Administration
Northern District Office

Attention: Fred Eisenbarth

Dear Mr. Eisenbarth:

One of our clients wishes to file an application for diversion of a spring and an application for diversion of water from the Lawyers Creek several miles southeast of town.

We would like to know what are the prior rights and what are the prior rights of other parties for diversion from Lawyers creek and other requirements that must be met.

We understand that your department may have to send out an examiner to survey or at least to examine the area and water involved.

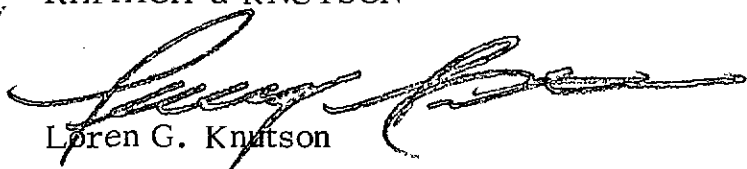
We would like further forms for application and filing of water rights.

Enclosed also is the Amendment to the Reuben E. Anderson water right claim. ✓

Thank you for your help, kindness and patience.

Very truly yours,

RAPAICH & KNUTSON


Loren G. Knutson

LGK/sm
MW
Enc: (1)

MICROFILMED

June 14, 1974

Re: Amended Claim No. 84-4015 - Reuben E. Anderson

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,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill Submitted 7-8-74 by CP

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NOTICE OF AMENDED
CLAIM TO A WATER RIGHT

Notice is hereby given that Reuben E. Anderson filed a Claim to a Water Right No. 84-4015, claiming a right to the diversion and beneficial use of 15 gallons per minute of water from a Spring, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M., Clearwater County. The water was claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1908. The place of use was within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

The claimant now proposes to amend Claim No. 84-4015, claiming 15 gallons per minute from a Spring, with point of diversion in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 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 1908. The place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 36N, R. 2E, B.M.

Any exception to the proposed amending of this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Clearwater Tribune, Orofino, Idaho on June 20 & June 27, 1974.

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May 10, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. Loren G. Knutson
RAPAICH & KNUTSON
Miller Building
Nezperce, ID 83543

Dear Mr. Knutson:

Enclosed is a new Claim form which you should submit to amend the point of diversion for the above referenced Claim. There is no additional fee for an Amended Claim.

After we receive the Amended Claim, we will notify those people who filed an exception that the point of diversion has been corrected.

Feel free to contact our office if we may be of any further assistance.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

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COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
MILLER BUILDING
NEZPERCE, IDAHO 83543
WEST 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

May 7, 1974

State of Idaho
Department of Water Administration
Northern District Office
401 Front Avenue Room 209
Coeur D'Alene, Idaho 83814

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MAY 8 1974

Department of Water Administration
Northern District Office

Attention: Mr. Fred Eisenbarth
Northern District Manager

Dear Mr. Eisenbarth:

RE: Reuben E. Anderson
Water Right

We filed some time ago a claim for Water Right for a Reuben E. Anderson of Orofino, Idaho, which is Claim No. 84-4015.

We note that two different attorneys have filed objections for the same party and we had Mr. and Mrs. Anderson come in and check our application out. We find that they had in fact, given us the wrong property description and the spring that they claimed is actually on a different 40 acre tract of ground but is still on their own land and utilized by them.

I don't know whether it would be proper to file an Amended Claim or whether it would simply be better to file a new claim entirely. I am inclined to take the latter position and I wonder if you would send me some new claim forms so I can get them signed by the Anderson's and filed?

Very truly yours,

RAPAICH & KNUTSON


Loren G. Knutson

LGK/sm

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 11, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. Wm. H. Mulberry
Attorney at Law
P.O. Box 31
Orofino, ID 83544

Dear Mr. Mulberry:

We have received and recorded the material you submitted in behalf of Mr. and Mrs. Gus I. Swanberg. Your letter, the land description, and the Affidavit from Mr. Cuddy will be included as part of the above referenced Claim. Copies of this material will be forwarded to the claimant for his review.

This is the only procedure authorized to our Department with reference to the recording of Constitutional Water Rights. We cannot verify, justify, or investigate any of the information submitted in a claim nor the information submitted in an exception to a claim. The filing of a claim does not confirm a water right, but serves for informational purposes only. It may, however, become the basis for adjudication of water rights by the courts.

If we may be of any further assistance in this matter, please contact us.

Very truly yours,


FRED EISENBARTH
Northern District Manager

FE:cp

cc: Reuben E. Anderson
Loren G. Knutson, Attorney at Law

bcc: State Office ✓

84-4015

Wm H. Mulberry
Attorney at Law

115 N. 10th
Suite 'A'
P.O. Box 885
Coeur d'Alene, Idaho 83814
(208) 667-9581

April 3, 1974

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APR 5 1974

Curtis Building
P.O. Box 31
Orofino, Idaho, 83544
(208) 476-5529

Department of Water Administration
Northern District Office

Mr. R. Keith Higginson
Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Dear Mr. Higginson:

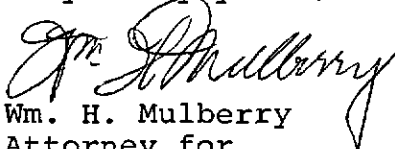
I represent Mr. and Mrs. Gus I. Swanberg and they have requested that I advise you that they object very strenuously to Mr. Ruben E. Anderson's claim of water rights for 15 gpm to be used for domestic purposes on the Northwest 1/4 of the Northeast 1/4 of Section 15, Township 36 North, Range 2 East, B.M.

Gus I. and Dormae Swanberg hereby take exception to said claim by Ruben E. Anderson, or anyone else.

Mr. and Mrs. Swanberg are the owners of an equity in a certain parcel of real property located in the County of Clearwater, State of Idaho, more particularly described on the attached sheet which is incorporated at this point, and they are aware of Ruben E. Anderson's claim for water rights from a spring located within Section 15, Township 36 North, Range 2 East, B.M.; Mr. and Mrs. Swanberg verily believe that said water claim would deprive them of their water rights purchased with said real property and presently in use by them on Section 11, of Township 36 North, Range 2 East, B.M.

I have been advised by Charles Cuddy, by way of affidavit attached hereto, that there are not any buildings, dwelling or otherwise located on the Northwest 1/4 of the Northeast 1/4 of Section 15, Township 36 North, Range 2 East, B.M.; that there is not any domestic use of water on said section by Ruben E. Anderson, or anyone else.

Very truly yours,


Wm. H. Mulberry
Attorney for
Gus I. and Dormae Swanberg

WHM:cm
Enclosures

84-4015

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APR 5 1974

A F F I D A V I T

Department of Water Administration
Northern District Office

STATE OF IDAHO)
) ss.
County of Clearwater)

CHARLES CUDDY, ~~AR.~~, being first duly sworn and upon oath
does depose and say:

I.

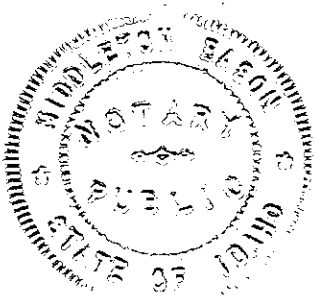
That he is a surveyor licensed by the State of Idaho,
and is familiar with the area of Clearwater County, State of Idaho,
Section 15, Township 36 N., Range 2 E., B.M., that he has personally
observed said area.

II.

That there are not any buildings, dwelling or otherwise,
IN THE NW 1/4, NE 1/4 OF
located ~~on~~ said Section 15, Township 36 N., Range 2 E., B.M.; that
there is not any domestic use of water on said Section by Reuben
E. Anderson, or anyone else.

Charles Cuddy *LS. 885*
CHARLES CUDDY, ~~AR.~~

SUBSCRIBED AND SWORN TO before me this 9th day of March, 1974.



Middleton Eason
NOTARY PUBLIC
In and for the State of Idaho
Residing at Orofino.

Commission Expires: 1 March 1976

84-4015

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APR 5 1974

Description

Department of Water Administration
Northern District Office

Township 36 North, Range 2 E.B.M.:

Section 11; Lot 5, all that part of Lot 3 lying southwesterly
of Orofino Creek; including all waters and springs.

EXCEPTING THEREFROM the following:

1. That part of Lot 5 lying East of Orofino Creek, and being
between Orofino Creek and the Nez Perce Indian Reservation
line.
2. A water right in and to a certain spring situate on Lot 5, afore-
said, as indicated by that certain easement recorded in the office
of the Recorder of Clearwater County, Idaho, in Book 32 of
Deeds, page 627, thereof.
3. Commencing at the section corner common to Sections 10, 11,
14 and 15, Township 36 North, Range 2 E.B.M.; thence N.
 $0^{\circ}02'$ W. a distance of 1529.7 feet; thence N. $53^{\circ}19'$ E. a
distance of 63.2 feet, which is the TRUE POINT OF BEGINNING;
thence
N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the
County Road; thence
Southeasterly along said right of way line 502 feet; thence
Westerly 285 feet; thence
N. $33^{\circ}37'$ W. 520 feet to the TRUE POINT OF BEGINNING.
4. A portion of Lot 5, Section 11, Township 36 North, Range 2
E.B.M., described as:
Beginning at a point 1,320 feet north of the section corner
common to Sections 10, 11, 14 and 15, Township 36 North,
Range 2 E.B.M.; thence
East 233 feet to the right of way line of the roadway traversing
said premises; thence
Northerly and Northwesterly along said right of way line, 600
feet, more or less, to the point of intersection with the
west line of said Lot 5; thence
South 450 feet to the point of beginning.
5. A portion of Lot 3, Section 11, Township 36 North, Range
2 E.B.M., described as:
Beginning at the section corner common to Sections 10, 11,
14 and 15, Township 36 North, Range 2 E.B.M.; thence
N. $0^{\circ}02'$ W. 1529.7 feet; thence N. $53^{\circ}19'$ E. 63.2 feet to
the TRUE POINT OF BEGINNING; thence
N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the
County Road; thence
N. $42^{\circ}46'$ W. 145.2 feet along said right of way line; thence
N. $53^{\circ}45'$ W. 74.3 feet along said right of way line to the
section line between Sections 10 and 11; thence
South along the said section line 81.9 feet; thence
S. $7^{\circ}51'$ E. 95.3 feet; thence
S. $33^{\circ}37'$ E. 66.0 feet to the TRUE POINT OF BEGINNING.

84-4015

Description continued

6. A portion of Lot 3, Section 11, Township 36 North, Range 2 E.B.M., described as:

Commencing at the section corner common to Sections 10 and 11, Township 36 North, Range 2 E.B.M.; thence N. $0^{\circ}02'$ W. 1833.0 feet to the TRUE POINT OF BEGINNING; THENCE

North along the section line 88 feet; more or less, to the West Bank of Whiskey Creek; thence Southeasterly along the West Bank of Whiskey Creek to its intersection with the County Road right of way line; thence Northwesterly along the County Road right of way line, 260 feet, more or less, to the TRUE POINT OF BEGINNING.

84-4015

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 25, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. Loren G. Knutson
RAPAICH & KNUTSON
Miller Building
Nezperce, ID 83543

Dear Mr. Knutson:

In your letter of March 18, 1974, you requested information as to the procedure taken by our Department with reference to exceptions filed on a Claim.

As stated under Section 42-225a and 42-225b of the Idaho Code, the only jurisdiction and authority our Department has is to record and process the information submitted in the Claim for future reference, to be used for adjudication of water rights or any proceedings with the courts. The filing of a Claim does not confirm the water right, but does serve for informational purposes only.

Our Department does not have authority to verify or justify any of the information in the Claim nor exceptions filed to the Claim. Any exception filed shall be made a part of the file and will be considered the same as other evidence in said file. The claimant can then submit any other information as needed to support the Claim or to answer any questions stated in the exception.

In the case of the Claim filed by Mr. Anderson, your letter would adequately support and re-affirm the statements as listed in the original Claim. We will include your letter in the file, and if you wish to supply additional information, you may do so at any time.

We hope this answered your questions. If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

cc: Reuben E. Anderson
bcc: State Office ✓

84-4015

COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
MILLER BUILDING
NEZPERCE, IDAHO 83543
WEST 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

March 18, 1974

RECEIVED

MAR 19 1974

Department of Water Administration
Northern District Office

Mr. Fred Eisenbarth
Northern District Manager
Department of Water Administration
401 Front Ave., Room 209
Coeur D'Alene, Idaho 83814

Dear Mr. Eisenbarth:

Mr. and Mrs. Reuben E. Anderson of Route 2, Box 59, Orofino, Idaho, brought your letter of March 14, 1974, into our office and asked that we prepare the necessary reply.

We will review the affidavit prepared by Mr. Gus I. Swanberg, however we fail to see how this affidavit materially affects the claim filed by Mr. Anderson. The only place where we can see any contention is the third paragraph wherein it is alleged that the water is not used on the Northwest quarter of the Northeast quarter of Section 15, Township 36 North, Range 2 East, which I am sure we can establish is not the case.

In reviewing your letter however, and in also reviewing the statutory law, it really doesn't appear to us that the Department of Water Administration can do any more than serve as a clerical office for the filing of claims.

Could you advise us precisely what the situation is, where a claim has been filed and an objection thereto is registered? According to the statute and according to your letter, we may then file a corrected claim or an amended claim, but since the claim originally filed was correct in the first place, it doesn't really seem that there is a great deal of merit to this.

We want to comply with whatever regulations are involved, but upon review of the law involving the Department of Water Administration, I find it somewhat difficult to pinpoint just exactly what the Department's duties are in a situation of this type.

We would most appreciate any advice you could give us in this matter.

84-4015

Mr. Fred Eisenbarth
March 18, 1974
Page 2

Thank you for your courtesy.

Very truly yours,

RAPAICH & KNUTSON

A handwritten signature in cursive script, appearing to read "Loren G. Knutson".

Loren G. Knutson

LGK/sm

CC: Mr. and Mrs. Reuben E. Anderson
Route 2, Box 59
Orofino, Idaho 83644

84-4015

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 14, 1974

Re: Claim to a Water Right No. 84-4015

Reuben E. Anderson
Route 2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

In reference to the above claim, the enclosed is a copy of an exception filed by Mr. and Mrs. Gus Swanberg 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 Administration 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 Administration. 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

307
OK to file

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 14, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Mr. and Mrs. Gus I. Swanberg
Orofino
Idaho 83544

Dear Mr. and Mrs. Swanberg:

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 of the 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 Administration 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 Administration. 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

R. Anderson prop.

Prelim Title Report on $2SW\frac{1}{4}SE\frac{1}{4}$ & $SE\frac{1}{4}SE\frac{1}{4}$ Sec 10
[$NE\frac{1}{4}NE\frac{1}{4}$ & $NE\frac{1}{4}NE\frac{1}{4}$ Sec 15
Twp 36 N R 2 E Bm. Clw. Co. ID.

RECEIVED

MAR 12 1974

Department of Water Administration
Northern District Office

Particularly Concerning water Rights
& exceptions.

Provided The Point of Diversion is
Not from an existing water system located
on or near ~~that line~~ the line separating
the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 10 and
Govt. Lot 5 Section 11 all in Twp 36 N R 2 E Bm;
Clearwater County IDAHO.

Refer to Claim ~~4015~~
No. 84-4015
Leland Anderson

RECEIVED

MAR 12 1974

A F F I D A V I T

Department of Natural Resources
Northern District Office

STATE OF IDAHO)
) ss.
County of Clearwater)

GUS I. SWANBERG, being first duly sworn and upon oath
does depose and say:

I.

That he and his wife, DORMAE SWANBERG, are the owners of
an equity in a certain parcel of real property located in the County
of Clearwater, State of Idaho, more particularly described as:

SEE APPENDIX A, ATTACHED HERETO
AND INCORPORATED BY REFERENCE AT
THIS POINT AS THOUGH SET OUT IN
HAEC VERBA

including certain water rights appurtenant thereto.

II.

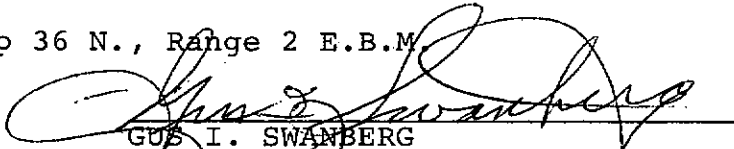
That he is aware of REUBIN E. ANDERSON's claim for a
water right to 15 GPM from a spring located with Section 15, Town-
ship 36 N., Range 2 E.B.M.

III.

That the use of said water claim is not to be within
the NW 1/4 NE 1/4, Section 15, Township 36 N., Range 2 E.B.M.

IV.

That he verily believes that the diversion of said water
would interrupt and terminate affiant's water supply presently in
use on Section 11 of Township 36 N., Range 2 E.B.M.

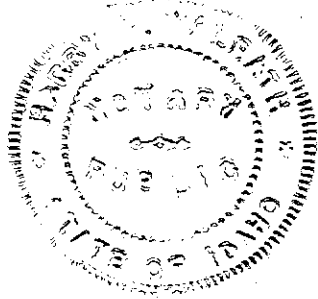

GUS I. SWANBERG

SUBSCRIBED AND SWORN TO before me this 11TH day of MARCH, 1974.


NOTARY PUBLIC

In and for the State of Idaho
Residing at Arden.

Commission Expires: 3-23-77



Description

Township 36 North, Range 2 E.B.M.:

Section 11; Lot 5, all that part of Lot 3 lying southwesterly of Orofino Creek; including all waters and springs.

EXCEPTING THEREFROM the following:

1. That part of Lot 5 lying East of Orofino Creek, and being between Orofino Creek and the Nez Perce Indian Reservation line.
2. A water right in and to a certain spring situate on Lot 5, aforesaid, as indicated by that certain easement recorded in the office of the Recorder of Clearwater County, Idaho, in Book 32 of Deeds, page 627, thereof.
3. Commencing at the section corner common to Sections 10, 11, 14 and 15, Township 36 North, Range 2 E.B.M.; thence N. $0^{\circ}02'$ W. a distance of 1529.7 feet; thence N. $53^{\circ}19'$ E. a distance of 63.2 feet, which is the TRUE POINT OF BEGINNING; thence N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the County Road; thence Southeasterly along said right of way line 502 feet; thence Westerly 285 feet; thence N. $33^{\circ}37'$ W. 520 feet to the TRUE POINT OF BEGINNING.
4. A portion of Lot 5, Section 11, Township 36 North, Range 2 E.B.M., described as:
Beginning at a point 1,320 feet north of the section corner common to Sections 10, 11, 14 and 15, Township 36 North, Range 2 E.B.M.; thence East 233 feet to the right of way line of the roadway traversing said premises; thence Northerly and Northwesterly along said right of way line, 600 feet, more or less, to the point of intersection with the west line of said Lot 5; thence South 450 feet to the point of beginning.
5. A portion of Lot 5, Section 11, Township 36 North, Range 2 E.B.M., described as:
Beginning at the section corner common to Sections 10, 11, 14 and 15, Township 36 North, Range 2 E.B.M.; thence N. $0^{\circ}02'$ W. 1529.7 feet; thence N. $53^{\circ}19'$ E. 63.2 feet to the TRUE POINT OF BEGINNING; thence N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the County Road; thence N. $42^{\circ}46'$ W. 145.2 feet along said right of way line; thence N. $53^{\circ}45'$ W. 74.3 feet along said right of way line to the section line between Sections 10 and 11; thence South along the said section line 81.9 feet; thence S. $7^{\circ}51'$ E. 95.3 feet; thence S. $33^{\circ}37'$ E. 66.0 feet to the TRUE POINT OF BEGINNING.

Description continued

6. A portion of Lot 3, Section 11, Township 36 North, Range 2 E.B.M., described as:

Commencing at the section corner common to Sections 10 and 11, Township 36 North, Range 2 E.B.M.; thence N. $0^{\circ}02'$ W. 1833.0 feet to the TRUE POINT OF BEGINNING; THENCE

North along the section line 88 feet; more or less, to the West Bank of Whiskey Creek; thence Southeasterly along the West Bank of Whiskey Creek to its intersection with the County Road right of way line; thence Northwesterly along the County Road right of way line, 260 feet, more or less, to the TRUE POINT OF BEGINNING.

A F F I D A V I T

RECEIVED

MAR 12 1974

STATE OF IDAHO)
County of Clearwater) ss.

Department of Water Administration
Northern District Office

DORMAE SWANBERG, being first duly sworn and upon oath does depose and say:

I.

That she and her husband, GUS I. SWANBERG, are the owners of an equity in a certain parcel of real property located in the County of Clearwater, State of Idaho, more particularly described as:

SEE APPENDIX A, ATTACHED HERETO
AND INCORPORATED BY REFERENCE AT
THIS POINT AS THOUGH SET OUT IN
HAEC VERBA

including certain water rights appurtenant thereto.

II.

That she is aware of REUBIN E. ANDERSON's claim for a water right to 15 GPM from a spring located with Section 15, Township 36 N., Range 2 E.B.M.

III.

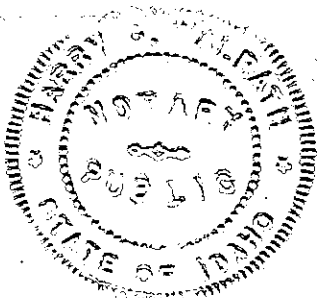
That the use of said water claim is not to be within the NW 1/4 NE 1/4, Section 15, Township 36 N., Range 2 E.B.M.

that the domestic water use is being used on Section 10 by Reuben Anderson. Anderson IV home is on Section 10

That she verily believes that the diversion of said water would interrupt and terminate affiant's water supply presently in use on Section 11 of Township 36 N., Range 2 E.B.M.

Dormae Swanberg
DORMAE SWANBERG

SUBSCRIBED AND SWORN TO before me this 11th day of MARCH, 1974.



Harry C. Walrath
NOTARY PUBLIC
In and for the State of Idaho
Residing at Orion.

Commission Expires: 3-23-77

Description

Township 36 North, Range 2 E.B.M.;

Section 11; Lot 5, all that part of Lot 3 lying southwesterly
of Orofino Creek; including all waters and springs.

EXCEPTING THEREFROM the following:

1. That part of Lot 5 lying East of Orofino Creek, and being
between Orofino Creek and the Nez Perce Indian Reservation
line.
2. A water right in and to a certain spring situate on Lot 5, afore-
said, as indicated by that certain easement recorded in the office
of the Recorder of Clearwater County, Idaho, in Book 32 of
Deeds, page 627, thereof.
3. Commencing at the section corner common to Sections 10, 11,
14 and 15, Township 36 North, Range 2 E.B.M.; thence N.
 $0^{\circ}02'$ W. a distance of 1529.7 feet; thence N. $53^{\circ}19'$ E. a
distance of 63.2 feet, which is the TRUE POINT OF BEGINNING;
thence
N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the
County Road; thence
Southeasterly along said right of way line 502 feet; thence
Westerly 285 feet; thence
N. $33^{\circ}37'$ W. 320 feet to the TRUE POINT OF BEGINNING.
4. A portion of Lot 5, Section 11, Township 36 North, Range 2
E.B.M., described as:
Beginning at a point 1,320 feet north of the section corner
common to Sections 10, 11, 14 and 15, Township 36 North,
Range 2 E.B.M.; thence
East 233 feet to the right of way line of the roadway traversing
said premises; thence
Northerly and Northwesterly along said right of way line, 600
feet, more or less, to the point of intersection with the
west line of said Lot 5; thence
South 450 feet to the point of beginning.
5. A portion of Lot 3, Section 11, Township 36 North, Range
2 E.B.M., described as:
Beginning at the section corner common to Sections 10, 11,
14 and 15, Township 36 North, Range 2 E.B.M.; thence
N. $0^{\circ}02'$ W. 1529.7 feet; thence N. $53^{\circ}19'$ E. 63.2 feet to
the TRUE POINT OF BEGINNING; thence
N. $53^{\circ}19'$ E. 134.6 feet to the West right of way line of the
County Road; thence
N. $42^{\circ}46'$ W. 145.2 feet along said right of way line; thence
N. $53^{\circ}45'$ W. 74.3 feet along said right of way line to the
section line between Sections 10 and 11; thence
South along the said section line 81.9 feet; thence
S. $7^{\circ}51'$ E. 95.3 feet; thence
S. $33^{\circ}37'$ E. 66.0 feet to the TRUE POINT OF BEGINNING.

Description continued

6. A portion of Lot 3, Section 11, Township 36 North, Range 2 E.B.M., described as:

Commencing at the section corner common to Sections 10 and 11, Township 36 North, Range 2 E.B.M.; thence N. $0^{\circ}02'$ W. 1333.0 feet to the TRUE POINT OF BEGINNING; THENCE

North along the section line 88 feet; more or less, to the West Bank of Whiskey Creek; thence

Southeasterly along the West Bank of Whiskey Creek to its intersection with the County Road right of way line; thence Northwesterly along the County Road right of way line, 260 feet, more or less, to the TRUE POINT OF BEGINNING.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

January 14, 1974

Re: Claim to a Water Right No. 84-4015

Reuben E. Anderson
Route #2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

84 4015

January 4, 1974

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Clearwater Tribune
Box 71
Orofino, ID 83544

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on December 6 and December 13, 1973.

Your assistance in this matter is appreciated.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

84 4015

December 18, 1973

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Loren G. Knutson
RAPAICH & KNUTSON
Miller Building
Nezperce, ID 83543

Dear Mr. Knutson:

We have included your letter of December 14, 1973 in the above referenced file as additional evidence in support of Mr. Anderson's water right. We will keep you informed if we receive any further correspondence in connection with the claim.

There is no further proceeding that you need to submit with reference to the claim, unless an exception is filed. In that event, you would want to consider submitting additional proof in which to verify the original claim and also in which to rebut the exception.

If we may be of any further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

84 4015

COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
MILLER BUILDING
NEZPERCE, IDAHO 83543
WEST 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHERWOOD 3-9496

December 14, 1973

Idaho Department of Water Administration
Mr. Fred Eisenbarth
Northern District Manager
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

RECEIVED

DEC 17 1973

Department of Water Administration
Northern District Office

Dear Mr. Eisenbarth:

RE: Reuben E. Anderson
Claim No. 84-4015

Mr. and Mrs. Reuben Anderson, who prepared and filed with your office a claim for a water right near Orofino in Clearwater County, came into my office with your letter to them and a copy of a letter they received from Michael E. McNichols of Orofino, who represents a Mr. Gus Swanberg.

We noted from the contents of Mr. McNichols letter that he was filing a protest to the Anderson claim until he could make further investigation.

We would appreciate it if you would keep us informed on whether or not any further action is taken in this matter, so that we can protect the interests of Mr. and Mrs. Anderson.

We have not personally viewed this spring site, but we are informed and believe that it does rise solely on land owned by Mr. and Mrs. Reuben Anderson, and as we understand, it has been used for domestic purposes since the land was initially homesteaded.

We understand further that on a normal year, unless it is extremely wet, almost none of this water escapes the Anderson property and to the best of our knowledge, those occasions when there is some natural run off it has drained on down and has never been appropriated by any of the down stream residents.

We would appreciate your advice as to any further information or proceedings that you envision to be necessary.

Very truly yours,
RAPAICH & KNUTSON


Loren G. Knutson

84 4015

LGK/sm

CC: Mr. and Mrs. Reuben Anderson
Mr. Michael McNichols

December 18, 1973

Re: Claim to a Water Right No. 84-4015 - Reuben E. Anderson

Michael E. McNichols
Lawyer
P.O. Box 666
Orofino, ID 83544

Dear Mr. McNichols:

Enclosed is a copy of the above referenced claim submitted to our Department by Reuben E. Anderson as requested in your letter of December 13, 1973.

There is no limited time in which to submit an exception to a claim. The exception, if filed, should be in duplicate and in affidavit form.

If we may be of any further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosure

84 4015

*Send Copy of Claim
Notify that the exception
can be filed at any time*

MICHAEL E. McNICHOLS
LAWYER

RECEIVED

DEC 14 1973

Department of Water Administration
Northern District Office

227 COLLEGE AVENUE - P. O. BOX 666 - OROFINO, IDAHO 83544
208 - 476-5216

December 13, 1973

Idaho Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Re: Claim to Water Right No. 84-4015

Dear Sirs:

I represent Mr. and Mrs. Gus Swanberg of Route 2, Orofino, Idaho. They have noticed the publication of a Claim to Water Right by Mr. Ruben E. Anderson of Route 2, Box 59, Orofino, Idaho.

It may be that the spring in question is a source of water to the Swanberg's property. If so, this spring has provided water to their property for many years.

I would appreciate it if you would forward me a copy of the claim filed by Mr. Anderson and consider this an exception to the claim, pending further advice.

Yours very truly,

Michael E. McNichols
Michael E. McNichols

cc/ Mr. & Mrs. Gus Swanberg
Mr. & Mrs. Ruben Anderson

law

84 2001

December 3, 1973

Re: Claim to a Water Right No. 84-4015

Reuben E. Anderson
Route #2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

Attached is your receipt No. 12270 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosure

84 4015

November 30, 1973

Re: Claim No. 84-4015 - Reuben E. Anderson

Clearwater Tribune
Box 71
Orofino, ID 83544

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~In order to receive payment, the following certification must appear on the bill:~~

~~"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."~~

~~(signature of claimant)~~

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 1-14-74 by cl

FE:CP

Enc: Legal Notice

84 4015

NOTICE OF CLAIM TO A WATER RIGHT

NO. 84-4015

Notice is hereby given that Reuben E. Anderson,

Route #2, Box 59, Orofino, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 15 gpm ~~cubic feet per second~~ acre feet per annum
of water from a Spring

with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 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 1908;
the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Clearwater Tribune, Orofino, Idaho

on Dec. 6 and Dec. 13, 1973

**NOTICE OF CLAIM TO A
WATER RIGHT NO. 84-4015**

Notice is hereby given that Reuben E. Anderson, Route No. 2, Box 59, Orofino, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 15 gpm of water from a Spring with point of diversion in the NW $\frac{1}{4}$ N-E $\frac{1}{4}$, Sec. 15, T. 36N, R. 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 1908; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 36N, R. 2E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

12-6, 13 c

OK.
12-11-73
CP

84 4015

November 23, 1973

Reuben Anderson
Route #2, Box 59
Orofino, ID 83544

Dear Mr. Anderson:

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 an approved permit from this 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).

We have enclosed an Application for Permit form and also a Claim to a Water Right form for your use. Please complete the necessary form and return it to our office along with the required filing fee.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosures

84 4015

End Form Letter

RECEIVED

NOV 21 1973

RECEIVED

NOV 19 1973
Department of Water Administration
Professors Idaho 83544

Department of Water Administration
Northern District Office

Dept of Water Administration
State House, Boise, Ida. 83707

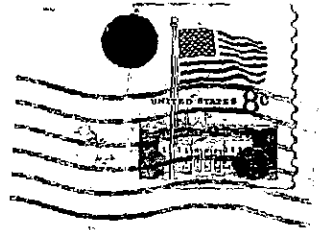
Dear Sirs: We would like information
on Application for re-filing
all water rights on our 3 Springs,
as the new law applies. Send
as soon as possible.

Thank you.

Ruben Anderson
Rt 2 Box 59
Professors Ida. 83544

84 4015

Ruben Anderson
P2 Box 59
Griffin, Ida. 83544



Dept. of Water Administration
State House
Boise, Idaho 83707

84 4015