

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 Water Right

Oscar E. or Erma J. Curtis

That said Notice of Claim

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 14th day of December, 19 72, and ending on the 21st day of December, 19 72

Subscribed and sworn to before me this

day of January, 19 73

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 84-4010

Notice is hereby given that Oscar E. or Erma J. Curtis, Route #1, Box 14-C, Weippe, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from an Unnamed Spring with point of diversion in the NW¼-SW¼, Sec. 30, T. 36N, R. 5E, B.M., Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of August 12, 1969, the place of use is within the NW¼SW¼, Sec. 30, T. 36N, R. 5E, 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. 14 and Dec. 21, 1972.

12-14, 21 c.

RECEIVED

JAN 8 1973

84 4010

Department of Water Administration
Northern District Office

Identification No. 84-4010

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant OSCAR E. OR ERMA J. CURTIS
post office address RT. 1 Box 14C Weippe, Idaho 83553

2. The point of diversion is in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 30 Township 36 North
Range 5 E B.M. B.M. located on underground Spring
(name of source)

tributary to none in CLEARWATER County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

MARCH 16 1977 amount: 0.03 c.f.s. or _____ acre feet

AUGUST 12 1969 amount: 0.03 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic - Home period of use from JAN 1ST to DEC 31ST (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known: _____

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is

20 feet; diameter of well is 40 inches; type of pump is 1/2 H.P. - 220V. Shallow well

capacity of pump is 15 g.p.m.; name and address of well driller is 1/2 H.P. - 220V. NONE

Spring was dug and cement lined in earlier years;

AUGUST 1969 by ourselves.

84 4010

100

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

			NF1%	MW1%	SW1%	CS1%	
--	--	--	------	------	------	------	--

Total number of acres to be irrigated _____

give date and message, if known.

- b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered _____
7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied none
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of ~~Idaho~~ WASHINGTON
County of WALLA WALLA ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 27th day of November, 1972
Oscar E. Curtis or Emma J. Curtis
Claimant

Margaret Montgomery
Notary Public
Residing at College Plac, WA 99324
My commission expires 2nd November 1975

For Department Use Only

Received by <u>CR</u> Date <u>12-7-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>CR</u> Date <u>12-14-72</u> Fee <u>\$5.00</u>			
Fee received by <u>FE</u> Date <u>12/8/72</u> Fee <u>\$10.00</u>			
Approved for publication by <u>FE</u> <u>11/1/72</u>			<u>84 4010</u>
Published in <u>CLEARWATER TRIBUNE</u> Dates <u>12-14-72</u>			

12-21-72

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No. _____

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed: 1.2 c.f.s. or acre feet			

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to ~~one~~ of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

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

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Oscar E. or Erma J. Curtis

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Nancy Noble
Subscribed and sworn to before me this 5th day of January, 19 73

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 84-4010

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of August 12, 1969, the place of use, is within the NW¼SW¼, Sec. 30, T.36N, R.5E, 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. 14 and Dec. 21, 1972.

12-14, 21 c.

RECEIVED

JAN 8 1973

84 4010

Department of Water Administration
Northern District Office

ACT
ION

N OWNER LAST NAME - CURTIS
N OWNER LAST NAME - CURTIS
N ADDRESS LINE 1 - RT. 1 BOX 14C

FIRST NAME - OSCAR E.
FIRST NAME - ERMA J.

CITY - WEIPPE

STATE - ID ZIP CODE - 83553

N SOURCE - SPRING

N STAGE - STATRY CLM

N DIVERSION POINT - NWSW 30 36N 05E

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

N USE - DOMESTIC

PRIORITY - 08-12-1969 COUNTY - CLEARWATER TOTAL DIV. RATE - .0300CFS

USE DIV. RATE - .0300CFS

PLACE OF USE - TWN 36N RNG 05E SEC 30 TRACT NWSW



84-4010

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 184-4010
OTd No. _____ New No. _____

Record

1. Original Owner: Oscar E. & Emma J. Curtis

Present Owner: _____

2. Address: Rt. 1 Box 14C3. City: Weippe State: ID Zip: 835534. A. Source of Water: Spring

B. Tributary of: _____

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

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

C. Priority Date: 8-12-1969D. 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>NWSW</u>	<u>30</u>	<u>36N</u>	<u>5E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

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

from _____ to _____ for _____ purposes. Amount _____

6

6

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

January 9, 1973

Re: Claim to a Water Right No. 84-4010

Oscar E. Curtis
Route #1, Box 14-C
Weippe, ID 83553

Dear Mr. Curtis:

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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

84 4010

December 8, 1972

Re: Claim No. 84-4010 - Oscar E. or Erma J. Curtis

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
Water Resource Supervisor
Northern District

Bill submitted 1-9-73 by ce

FE:CR

Enc: Legal Notice

84 4010

NOTICE OF CLAIM TO A WATER RIGHT

NO. 84-4010

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Route #1, Box 14-C, Weippe, Idaho

~~has~~ ^{have} filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Spring

with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 36N, R. 5E, B.M.,
Clearwater County

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

with a priority of August 12, 1969;
the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 36N, R. 5E, B.M.

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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. 14 and Dec. 21, 1972

84 4010

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TO A WATER RIGHT**

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R. KEITH HIGGINSON
Director

Published in the Clearwater Tribune, Orofino, Idaho, on Dec. 14 and Dec. 21, 1972.

12-14, 21 c.

O.K.
1-4-73
d

84 4010

December 8, 1972

Re: Claim to a Water Right No. 84-4010

C
Oscar E. Curtis
Route #1, Box 14-C
Weippe, ID 83553

C
Dear Mr. Curtis:

Attached herewith is your receipt No. 8502 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

P
Fred Eisenbarth
Water Resource Supervisor
Northern District

Y
FE:CR

Enc: Receipt

84 4010

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

December 1, 1972

Oscar E. Curtis
Route #1, Box 14-C
Weippe, ID 83553

Dear Mr. Curtis:

We are returning your Claim to a Water Right and Check No. 92-31 in the amount of \$10. Before we can accept the claim, Item #7 must be completed.

We would also like to remind you that the most important reason for filing a claim to a water right is to protect your priority to the water. The information given in Item #4b gave reason to believe that possibly the March 16, 1971 priority you have claimed may not be when the water was first used by your predecessors or you. If the water was first used prior to the date given, this would be your priority.

If you should have any questions, or if we can be of any further assistance, please feel free to contact this office.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Claim to a Water Right
Check No. 92-31 (\$10.00)

84 4010

November 16, 1972

C
Oscar E. Curtis
Route #1, Box 14-C
Weippe, ID 83553

O
Dear Mr. Curtis:

Enclosed please find an application for permit and instructions, and also a claim to a water right form for your use. Please read the instructions carefully to determine which form you wish to file.

P
If you should have any questions in completing these forms, please do not hesitate to contact this office.

Very truly yours,

Y
Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosures

84 3010

RECEIVED

Application NOV 14 1972

Department of Water Administration
Northern District Office

RECEIVED

NOV 10 1972

NOV 8 1972
Department of Water Administration

Weippe Idaho

Department of Water Administration

State House

Boise Idaho 83707

I want an application for water rights on my property. I have had my spring developed and water pipes and system installed for several years. This is strictly for home and personal use.

Sincerely

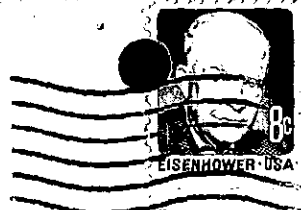
Oscar E. Curtis

Rt 1 Box 14 C.

Weippe Idaho 83553

84 4010

Orson E. Curtis
Rt 1 Box 14C
Weippe Idaho
83553



84 4010

Department of Water Administration
State House
Boise Idaho. 83707