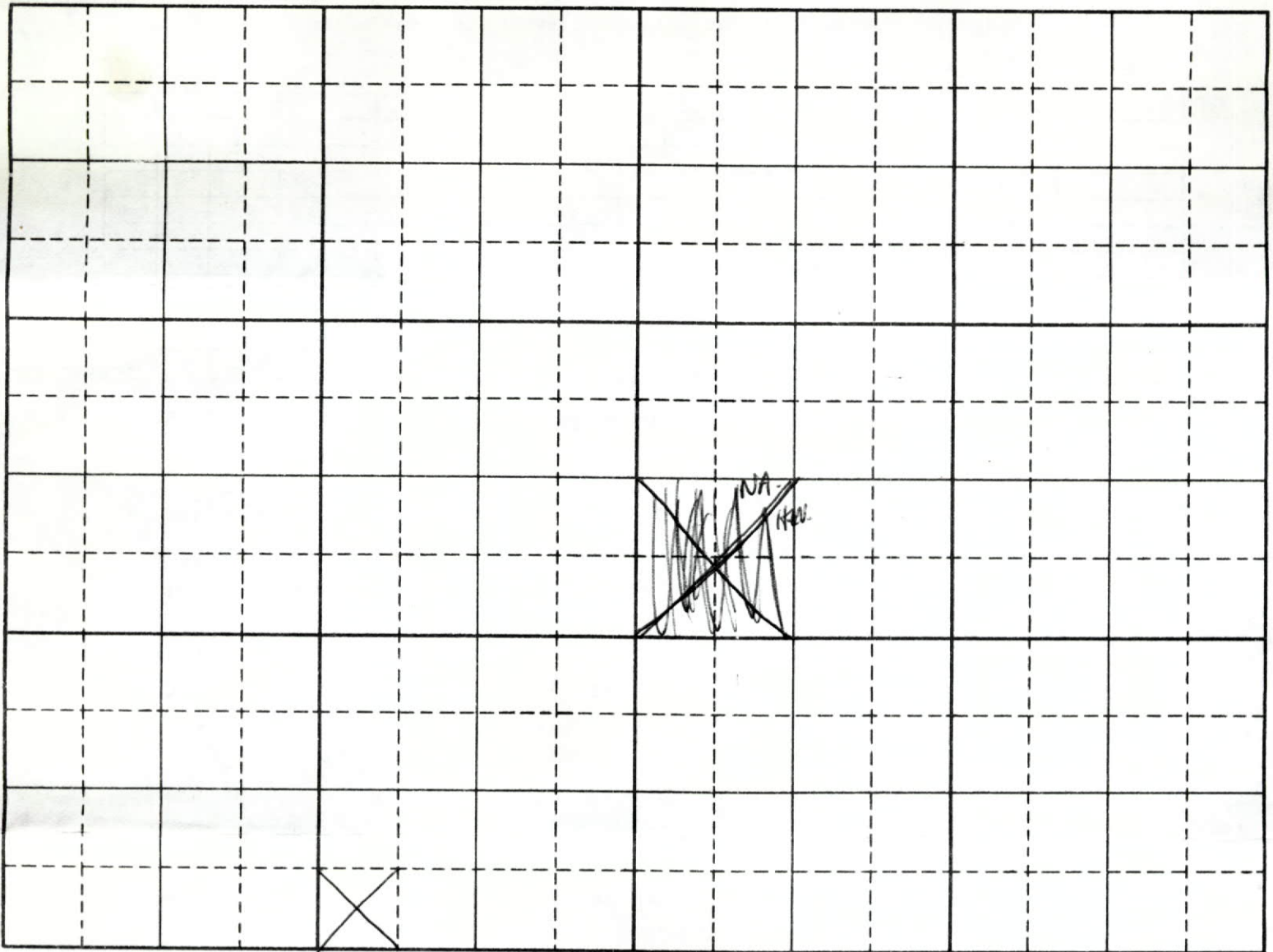


(8) Remarks



Scale: 2 inches equal 1 mile. SW 1/4 SW 1/4 Sec 32, T9N, R 3W BM.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of LATAH

ss.

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

Sworn to before me this 28 day of

Aug

(Claimant)

19 73

Notary Public

Residing at

NOTARY PUBLIC for the State of Idaho
Residing at Troy Idaho
My commission expires August 1, 1977

My commission expires

My commission expires August 1, 1977

For Department Use Only

Received by	<u>CL</u>	Date	<u>8-29-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	<u>TE</u>	Date	<u>8/29/73</u>		claimant by:	
\$10.00 fee received by	<u>TE</u>	Date	<u>8/29/73 #11209</u>			
Approved for publication by	<u>TE</u>	Date	<u>8/29/73</u>			
Published in	<u>DAILY IDAHOIAN</u>					
Dates	<u>9-6 + 9-13-73</u>					

4023

Affidavit of Publication

STATE OF IDAHO
County of Latah

ss.

RECEIVED

SEP 17 1973

Department of Water Administration
Northern District Office

A. J. Marnett

being first duly sworn, on oath,
deposes and says:

That he is the printer of The
DAILY IDAHONIAN, a newspaper
of general circulation, printed and
published daily except Sunday at
Moscow, Latah County, Idaho, in
compliance with Sections 60-106,
60-107, and 60-108 of the Idaho
Code and the amendments there-
to; that the notice of which the
annexed is a full, true and correct
printed copy was published in the
regular and entire issues of said
newspaper and not in a supple-
ment thereto, upon the following

dates: *Sept. 6, 13,*

1973

the same being the dates desig-
nated for the publication of said
legal notice.

[Signature]
Subscribed and sworn to before

me this *14* day of *Sept.*

19 *73*

Carman D. Miller

Notary Public,
residing at Moscow, Idaho

County of Latah
My Commission Expires August 10, 1975

NOTICE OF CLAIM TO A WATER RIGHT

NO 86-4023

Notice is hereby given that Harvey C. Neese, Box
332, Troy, Idaho has filed a claim to a water right
established by diversion and application to beneficial
use of 30 gpm of water from a spring with point of
diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N, R. 3W,
B.M., Latah County.

The water is claimed to be used from Jan. 2 to Dec.
31 for domestic purposes (10 gpm); and from March
15 to Nov. 15 for the irrigation of 10 acres (20 gpm)
with a priority of Nov., 1968 the place of use is within
the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N, R. 3W, 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 Daily Idahonian, Moscow, Idaho on
Sept. 6 and Sept. 13, 1973.

86 4023

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 HARVEY C. NEESE (name of claimant)
of Box 332, TROY, IDAHO (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to _____;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) UNDER GROUND
SPRING or STREAM
- (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>20 GPM</u>	Use	<u>IRR. & LIVESTOCK</u>	Period of Use:	From	<u>1968</u>	To	<u>Present (3/15-4/15)</u>
Amount	<u>10 GPM</u>	Use	<u>DOMESTIC</u>	Period of Use:	From	<u>1968</u>	To	<u>Present (1/1-12/31)</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet
per annum, and/or 30 gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) NOV. 1968

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 32 Twp. 40 Rge. 3W B. M. County of LATAM
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. A SHALLOW WELL IS DUG WITH A STORAGE TANK; Pump & pipeline

- (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.

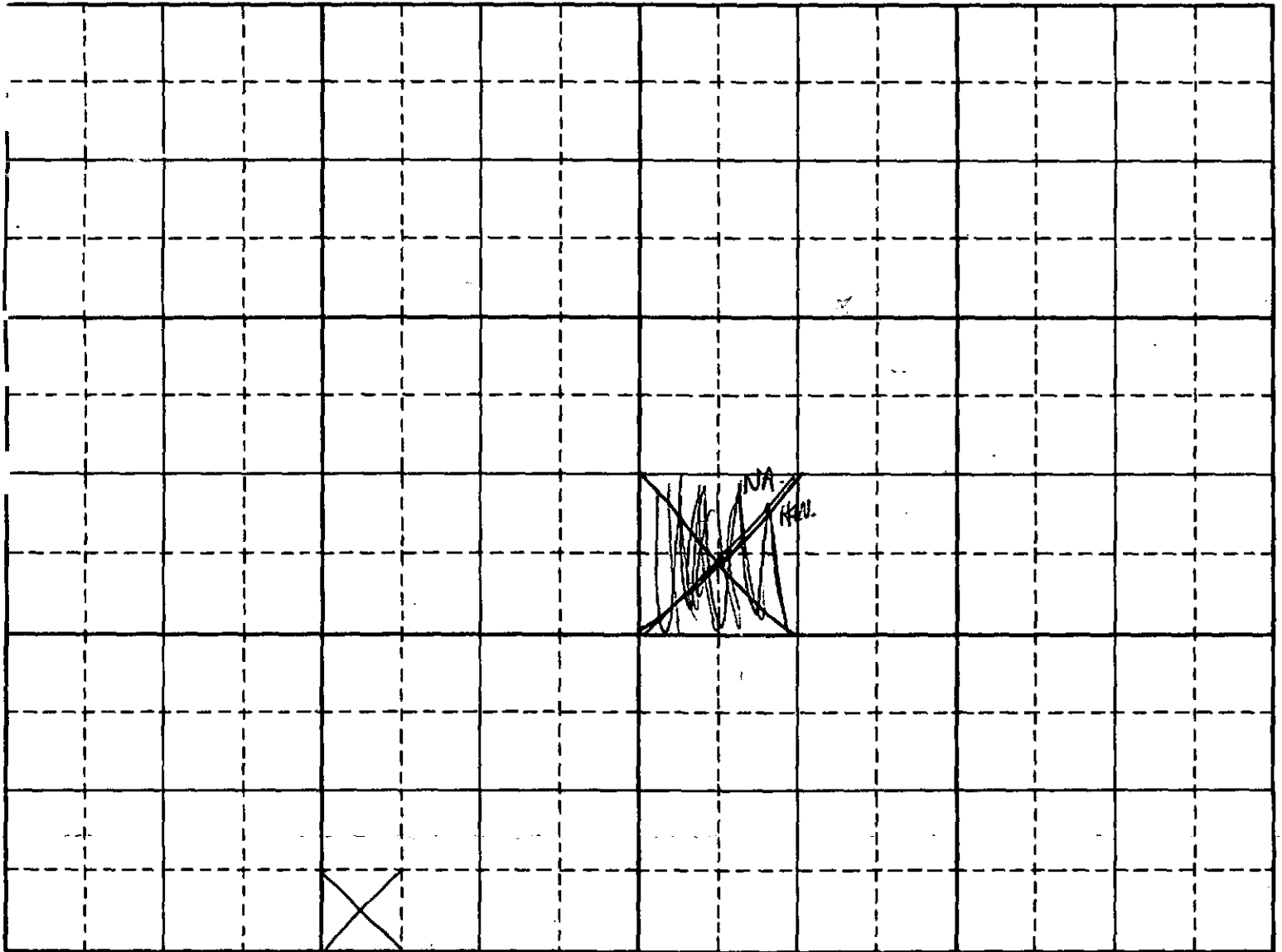
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
40	3W	32											X						10

Total No. of acres 10

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile. SW 1/4 SW 1/4 Sec 32, T9N, R 3W BM.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of LATAH ss.

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

Sworn to before me this 28 day of Aug, 1973.

Harry C. Neese
(Claimant)

Notary Public NOTARY PUBLIC for the State of Idaho
Residing at Residing at Troy Idaho
My commission expires August 1, 1977

My commission expires August 1, 1977

For Department Use Only

Received by <u>CL</u>	Date <u>8-29-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>TE</u>	Date <u>8/29/73</u>		claimant by:	
\$10.00 fee received by <u>TE</u>	Date <u>8/29/73 #11709</u>			
Approved for publication by <u>TE</u>	<u>8/29/73</u>			
Published in <u>Daily IDAHOIDIAN</u>				
Dates <u>9-6 & 9-13-73</u>				<u>4023</u>

Affidavit of Publication

STATE OF IDAHO }
County of Latah } ss.

A. J. Mameau

being first duly sworn, on oath,
deposes and says:

That he is the printer of The
DAILY IDAHONIAN, a newspaper
of general circulation, printed and
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Moscow, Latah County, Idaho, in
compliance with Sections 60-106,
60-107, and 60-108 of the Idaho
Code and the amendments there-
to; that the notice of which the
annexed is a full, true and correct
printed copy was published in the
regular and entire issues of said
newspaper and not in a supple-
ment thereto, upon the following

dates: *Sept. 6, 13,*
1973

the same being the dates desig-
nated for the publication of said
legal notice.

A. J. Mameau
Subscribed and sworn to before

me this *14* day of *Sept.*

1973

Asimant Pedin

Notary Public,
residing at Moscow, Idaho

County of Latah
My Commission Expires August 10, 1975

RECEIVED

SEP 17 1973

Department of Water Administration
Northern District

NOTICE OF CLAIM TO A WATER RIGHT

NO. **86-4023**

Notice is hereby given that Harvey C. Neese, Box
332, Troy, Idaho has filed a claim to a water right
established by diversion and application to beneficial
use of 30 gpm of water from a spring with point of
diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N. R. 3W.
B.M., Latah County.

The water is claimed to be used from Jan. 2 to Dec.
31 for domestic purposes (10 gpm); and from March
15 to Nov. 15 for the irrigation of 10 acres (20 gpm)
with a priority of Nov., 1968 the place of use is within
the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N, R. 3W, 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 Daily Idahonian, Moscow, Idaho on
Sept. 6 and Sept. 13, 1973.

86 4023

ACT
ION

WATER RIGHT NUMBER 86-4023

FIRST NAME - HARVEY C.

OWNER LAST NAME - NEESE
ADDRESS LINE 1 - P.O. BOX 332

CITY - TROY

STATE - ID

PRIORITY - 11-01-1968 COUNTY - LATAH

TOTAL DIV. RATE -

.0600CFS

SOURCE - SPRING

STAGE - STATRY CLM

DIVERSION POINT - SWSW 32 40N 03W

USE DIV. RATE -

.0400CFS

FROM - 03-15 TO - 11-15

USE - IRRIGATION

USE DIV. RATE -

.0200CFS

FROM - 01-01 TO - 12-31

USE - DOMESTIC

PLACE OF USE - TWN 40N RNG 03W SEC 32 TRACT SWSW

AC 10

- DATA ENTRY -

Record

1. Original Owner: Harvey C. Neese
- Present Owner: _____
2. Address: P.O. BOX 332
3. City: Troy State: DC Zip: _____
4. 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: 11-01-1968
- D. County: SN
- E. Total Diversion Rate: .00
- 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	SW SW	32	40N	3W		

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

[illegible]

8. Use Code: A

[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):

RECEIVED

JUL 23 1974

Department of Water Resources
Northern District Office

July 19, 1974

Mr. Harvey C. Neese
Box 332
Troy, ID 83871

Dear Mr. Neese:

Mr. Eisenbarth of our Northern District Office asked me to respond to your letter of July 5, 1974. Your first question is whether your neighbor has any rights in your water system merely by reason that your reservoir and pump house are located partly on his land.

The answer is no. In order for your neighbor to have a water right, he must have first diverted and used the water beneficially. If the information in your letter is correct, it is apparent that the adjacent owner has not used the water and therefore has no rights in or to your system.

If you desire to place your use of record, you can do so by filing a notice of a claim to water with our Northern Office. By so doing you give notice to all people concerned that you claim the water right.

I trust that this answers your questions and will help resolve your problems. If we can be of further assistance, please write again.

Very truly yours,

NATHAN W. HIGER
Counsel, Idaho Department
of Water Resources

NWH/slg ✓

CC: Fred Eisenbarth
Northern District Office

86 4023

July 10, 1974

Nathan:

Perhaps you could answer this letter if you would. I am in doubt as to what to say other than to contact an attorney.

Thanks.

RECEIVED

JUL 11 1974

Department of Water Resources

JUL 22 1974

Fred
Department of Water Resources
Northern District Office

Northern District

86-4023

Harvey C. Neese

BOX 332

TROY, IDAHO 83871

July 5, 1974

RECEIVED

JUL 26 1974

Department of Water Resources
PHONE 838-3322
AREA CODE 208

RECEIVED 7-8-1974
DEPT. OF WATER RESOURCES

Mr. Fred Eisenbarth
Dept. of Water Admin.
481 Front Ave. - Rm. 209
Coeur D' Alene, Idaho 83814

Dear Mr. Eisenbarth:

I am inquiring about Water Right No. 86 -4023 which I filed on Aug. 28, 1973. The location is the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sect. 32, TN 40, R 3W, Latah County.

A recent survey showed that the pumphouse and present reservoir for my water system is on the property line with an adjacent property owner. In fact, the survey line splits the pumphouse and reservoir down the center.

The water system has - to my knowledge - always been considered a part of the 40 acres I own. I have owned the property for 6 years. The previous property owner also used the system for many years and all owners prior to that.

Could you give me a reading on the water rights laws as to whether the adjacent property owner has any right to water from the system (up to the 30 gpm that I have filed on), considering the fact that he has never used the water, has not filed on it. Also would you please advise me as to what I should do, other than filing for the water right, to secure continuous use of the water system without any interference.

Sincerely,
H. Neese
Harvey C. Neese

86 4023

September 26, 1973

Re: Claim to a Water Right No. 86-4023

Harvey C. Neese
Box 332
Troy, ID 83871

Dear Mr. Neese:

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

86 4023

FE:CP

Enclosure

August 31, 1973

Re: Application No. 86-7030 - Gerald L. &/or Carol A. Farley
Claim No. 86-4023 Harvey C. Neese

Daily Idahonian
Box 399
Moscow, ID 83843

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

FE:CP

Enc: Legal Notices (2)

Bill submitted 9-24-73 by d

86 4023

NOTICE OF CLAIM TO A WATER RIGHT

NO. 86-4023

Notice is hereby given that Harvey C. Neese,

Box 332, Troy, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 30 gpm ~~xxcubicx feet x per x second~~ ~~xxcubicx feet x per x second~~
of water from a spring

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N, R. 3W, B.M., Latah
County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes (00 gpm); and from March 15 to Nov. 15 for the irrigation of 10 acres (20 gpm)
with a priority of Nov., 1968;
the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 40N, R. 3W, 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 Daily Idahonian, Moscow, Idaho

on Sept. 6 and Sept. 13, 1973

86 4023

August 30, 1973

Re: Claim to a Water Right No. 86-4023

Harvey C. Neese
Box 332
Troy, ID 83871

Dear Mr. Neese:

Attached is your receipt No. 11909 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

86 4023

4 claims

RECEIVED

Harvey C. Neese

AUG 14 1973

BOX 332

TROY, IDAHO 83871

Department of Water Administration

Northern District Office

AREA CODE 208

Aug 13, 73

Dear Mr. Erenhardt:

would you please send me
4 sets of forms for filing for
water rights.

two sets are for surface water,
springs, creeks and two are for
underground water source as an
underground spring feeding a well.

Sincerely,

H. W. Neese

86-4023

CLAIMS SENT 8-16-73. a

86 4023