

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4017

Notice is hereby given that Wayne & Roy Heimgartner, Juliaetta, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from an Unnamed Spring, tributary to Pine Creek with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic & Stockwatering purposes; & from May 15 to Oct. 1 for the irrigation of 2 acres with a priority of June, 1930; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, 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 Lewiston Morning Tribune, Lewiston, Idaho, on Sept. 14 and Sept. 21, 1972.

RECEIVED

SEP 25 1972

Department of Water Administration
Northern District Office

STATE OF IDAHO, }
County of Nez Perce } ss.

DN Sinclair, being duly sworn

deposes and says, I am the Office Manager of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 20 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period; that the Notice of a Claim

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a Week for two consecutive weeks, the first publication thereof being on the 14th day of September, A. D. 19 72, and the last publication thereof being on the 21st day of September, A. D. 19 72, and said Notice of a Claim was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

DN Sinclair

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

21 day of September, 19 72.

Norman W. Rich 8-28-76
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

Identification No. _____

Claim No. 86-4017

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 Wayne & Roy Kingantner
post office address Julietta, Idaho 83535

2. The point of diversion is in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 11 Township 37N
Range 3W B.M. located on Not Named (name of source) (Spring)

tributary to Pinecreek in Sage Pene 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: June 1930

amount: .04 c.f.s. or _____ acre feet

amount: _____ 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 Household period of use from Jan 1 to Dec 31 (both dates inclusive)

use Livestock period of use from Jan 1 to Dec 31 (both dates inclusive)

use Irrigation period of use from May 15 to Oct 1 (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 _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

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-
-
-
-

- has there been any enlargement of the reservoir since it was first built_____, if so, give dates and describe_____

- [illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages 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 50 head of cattle,
50 calves, 6 horses

7. Where water is used for domestic or municipal purposes give number of families served 1 family
name of town supplied _____

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 also use water for irrigating lawns
and gardens. Estimated 2 A.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

This spring has been in use since June 1920
This has not been sufficient enough water and
filling application for spring on our property
above this spring. The source of this water
is a spring. The spring box is 5' wide, 7 feet
deep and 10' long.

State of Idaho

County of Merger

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.

By Wayne Heimgartner
Wayne Heimgartner
Claimant

Sworn to before me this

21

day of

July

1972

Eugene R. Ruff
Notary Public

Residing at Lewiston

My commission expires

Jan. 18, 1974

For Department Use Only

Received by up Date 7-24-72

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by D. Date 7-24-72

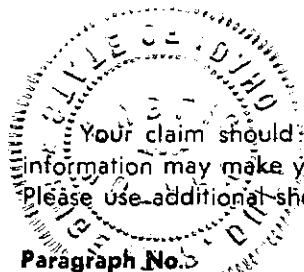
Fee received by up Date 7/24/72 Fee \$ 10.00

Approved for publication by

Published in LEWISTON TRIBUNE Dates 9-14 & 9-21-72

86 4017

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. 5

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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or	<u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or	<u> </u> 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 this claim with the Department of Water Administration, Statehouse, Annex 2, Boise, Idaho, 83707, is \$10.00.

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R. KEITH HIGGINSON
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SEP 25 1972

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Northern District Office

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County of Nez Perce } ss.

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period; that the Notice of a Claim attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a Week for two consecutive weeks, the

first publication thereof being on the 14th day of September, A. D. 19 72, and the last publica-

tion thereof being on the 21st day of September, A. D. 19 72, and said Notice of a Claim

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Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

ACT

ION

L OWNER LAST NAME - HEIMGARTNER

L OWNER LAST NAME - HEIMGARTNER

FIRST NAME - WAYNE

FIRST NAME - ROY

ACT
IONN OWNER LAST NAME - SKINGARTNER
N OWNER LAST NAME - SKINGARTNERFIRST NAME - WAYNE
FIRST NAME - ROY

CITY - JULIAETTE

STATE - ID ZIP CODE - 83535

N SOURCE - SPRING

TRIBUTARY OF - PINE CREEK

N STAGE - STATRY CLM

PRIORITY - 06-01-1930 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - NENW 11 37N 03W

N FROM - 05-15 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - .0400CFS

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

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

N USE - IRRIGATION

PLACE OF USE - TWN 37N RNG 03W SEC 11 TRACT NENW AC 02

N .NON IRRIG USE - S/56 RANGE & 50 CALVES D/1 HOME.

IDENT. NO. 86-4017

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

Old No. _____

New No. _____

1 86-4017

Record

1. Original Owner: Wayne & Roy Kingartner

Present Owner: _____

2. Address: _____

3. City: Juliette State: ID Zip: 835354. A. Source of Water: spring
B. Tributary of: Pine Creek5. 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: 6-1-1930D. County: 69E. Total Diversion Rate: .04

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NENW</u>	<u>11</u>	<u>32N</u>	<u>3W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 5-15 to 10-1 for A purposes. Amount .04
(cfs or AC-FT/yr)from 1-1 to 12-31 for S purposes. Amount _____from 1-1 to 12-31 for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

CSA 9-14-79

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):

S/56 range + 50 calves D/1 home.

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):

October 12, 1972

Re: Claim to a Water Right No. 86-4017

Wayne &/or Roy Heimgartner
Juliaetta,
Idaho 83535

Gentlemen:

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

86 4017

September 8, 1972

Re: Application No. 85-7043 - Valley View Development
Claim No. 86-4017 - Wayne & Roy Heimgartner

Lewiston Morning Tribune
505 "C" Street
Lewiston, ID 83501

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 Eisenbarsh
Water Resource Examiner
Northern District

Bill submitted 10-6-72 by dl

FE:CR
Enc: Legal Notices (2)

86 4017

THE *Tribune* PUBLISHING CO.



Producers of Printing of Distinction
5th & C Sts. Lewiston, Idaho 83501
Phone 743-9411

Sold to

RECEIVED

State of Idaho
Dept. of Water Admin.
401 Front Avenue
Coeur D' Alene, ID 83814

SEP 25 1972

Department of Water Administration
Northern District Office

Date Sept. 21st, 19 72

REQUISITION NO.	JOB NO.	QUANTITY	DESCRIPTION	AMOUNT
			Notice of Claim to a Water Right # 86-4017 32 Lines, 2 times I hereby certify the above account is correct and that the supplies were actually furnished and/or the services were actually rendered or charged and that I/We have not received payment therefor. Signed: <u>Tribune Pub. Co.</u> By: <u>Op. Sinclair</u> Office Mgr. THANK YOU FOR YOUR PATRONAGE CHECK YOUR ORDER CAREFULLY AND CALL US IF NOT SATISFACTORY	11.84
	86 4017			

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have

~~has~~ filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second ~~acre feet per annum~~ of water from an Unnamed Spring, tributary to Pine Creek

with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 37N, R. 3W, B.M.,

Nez Perce County

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R. KEITH HIGGINSON

Director

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86 4017

legal 9-14-72 2-T-W

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Director

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LEGAL 9-14-72 2-T-W

tom/

86 4017

September 8, 1972

C Re: Claim to a Water Right No. 86-4017

O Wayne & Roy Heimgartner
Juliaetta, ID 83535

Gentlemen:

Attached herewith is your receipt No. 8625 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

P Very truly yours,

Y Fred Eisenbarth
Water Resource Examiner
Northern District

FE:CR

Enc: Receipt

86 4017