

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

No. 86-4011

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 17th day of February, 1972, and ending on the 24th day of February, 1972

Nancy Noble

Subscribed and sworn to before me this

day of _____, 19____

[Signature]

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

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4011

Notice is hereby given that Orland F. Gage, 2413 13th Avenue, Lewiston, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.16 cubic feet per second of water from an unnamed spring, tributary to Clearwater River with point of diversion in the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 35, T. 37N, R. 1W, B.M., Clearwater County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, stockwatering, and recreational purposes within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 37N, R. 1W, B.M.; and from April 1 to Nov. 1 for the irrigation of 5 acres with a priority of April 1, 1947 (0.1 c.f.s.) and March, 1947 (0.04 c.f.s. for domestic, and 0.02 for stockwatering); the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 37N, R. 1W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. KEITH HIGGINSON
Director

2-17, 24 c

86 4011

Identification No. 86-4011

Claim No. 86-4011

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 ORLAND F. GAGE
post office address 2413-13TH AVE., LEWISTON, IDAHO 83501
2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 35 Township 37 N
Range 1 W B.M. located on UNNAMED SPRING
(name of source)
tributary to CLEARWATER RIVER 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:

OWNER	HAROLD WELER -	IRRIGATION	APRIL 1, 1947	amount: 0.1 (1/10) c.f.s. or _____ acre feet
OWNER	HAROLD WELER	DOMESTIC	MARCH 1947	amount: 0.04 c.f.s. or _____ acre feet
OWNER	HAROLD WELER	LIVESTOCK	MARCH 1947	amount: 0.02 c.f.s. or _____ acre feet
				Total claimed 0.16 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:
- x use 0.1 CFS IRRIGATION period of use from APRIL 1 to NOV 30 (both dates inclusive)
use 0.04 CFS DOMESTIC period of use from 1 JAN to 31 DEC (both dates inclusive)
use 0.02 CFS LIVESTOCK period of use from 1 JAN to 31 DEC (both dates inclusive)
use 0.02 CFS RECREATION period of use from 1 JAN to 31 DEC (both dates inclusive).

4. Description of diverting works: NA

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~~ UNNAMED SPRING flowing or pumped FLOWING; depth of well is NA feet; diameter of well is NA inches; type of pump ~~is~~ PLANNED IS CENTRIFUGAL; capacity of pump is 45 g.p.m.; name and address of well driller is DOES NOT APPLY

attach well logs if available; has there been any change in pump or motor since well was first completed
NA; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 200 feet; diameter of pipe line is 1 1/2 inches; type of pipe RIGID PLASTIC (80 PSI); grade of pipe per 1000 feet is FLAT (USE PUMP). Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible FIRST APPLICATION

- d. If water is stored: name of reservoir NA _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

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

has there been any enlargement of the reservoir since it was first built NA, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 5

Explain any significant increase in area irrigated since first use, give dates and acreages if known. NA

b. Do you get water through a ditch owned by several users? NA 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 10 COWS
2 HORSES; 1 SOW & LITTER; 200 FOWL AND 5 SHEEP

7. Where water is used for domestic or municipal purposes give number of families served 2 FAMILIES
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. PLAN TO BUILD A SMALL FISH POND WITHIN
THIS FORTY ACRES LISTED

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
THIS PROPERTY WAS PURCHASED ONLY RECENTLY FROM MAURICE D
AND JOSEPHINE ROOT. I AM UNCERTAIN IF THEY HAD EVER FILED
A CLAIM TO THIS WATER. THE SPRING IS LOCATED NEXT TO A
LARGE OLD HOME IN APPROXIMATELY THE CENTER OF THE 40 ACRES.
~~PROR~~ MR & MRS ROOT PURCHASED PROPERTY FROM MR & MRS HAROLD
WELLER

State of Idaho

County of _____

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.

Orland F. Sage
Claimant

Sworn to before me this 21 day of JAN, 19 72

Paul D. Sage
Notary Public

Residing at Lewiston

My commission expires 7-13-72

Received by ef Date 1-24-72 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by FB Date 3-3-72 _____
Fee received by ef Date 1-31-72 Fee \$10.00 _____
Approved for publication by JA _____
Published in CLEARWATER TRIUNE Dates 2-17-72-24-72

86 4011

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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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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ment thereof, for full period of two consecutive issues commencing on the 17th day of February, 1972, and ending on the 24th day of February, 1972

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Subscribed and sworn to before me this

day of _____, 19____

[Signature]

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Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. KEITH HIGGINSON
Director

2-17, 24 c

86 4011

March 8, 1972

Re: Claim to a Water Right No. 86-4011 - Orland F. Gage

Mr. Orland F. Gage
2413 - 13th Ave.
Lewiston, Idaho 83501

Dear Mr. Gage:

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 your 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,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL
Enclosure: Copy of Claim

86 4011

February 11, 1972

Re: Application No. 86-7020 - Orland F. Gage
Claim No. 86-4011 - Orland F. Gage

Clearwater Tribune
Box 71
Orofino, Idaho 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
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

Bill submitted 3-1-72. CR

86-4011

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R. KEITH HIGGINSON
Director

2-17, 24 c

86 4011

O.K.
2-16-78
J.B.

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R. KEITH HIGGINSON

Director

Published in the Clearwater Tribune, Orofino, Idaho on Feb. 17 & Feb. 24, 1972.

86 4011

February 2, 1972

Orland Gage
2413 - 13th Avenue
Lewiston, Idaho 83501

Dear Mr. Gage:

Attached herewith is your receipt No. 8773 in the amount of \$ 10.00
for your claim application in the amount of \$10.00
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

86 4011