

AFFIDAVIT OF PUBLICATION

W. L. McCreary

being first

duly sworn, deposes and says: I am Publisher of the KENDRICK GAZETTE, a newspaper of general circulation, published weekly at Kendrick, Latah County, Idaho; that the said KENDRICK GAZETTE is an established paper and has been published regularly at least once a week for more than 78 consecutive weeks next immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period.

That the Notice of Claim To A Water

Right No. 86-4001

attached hereto and which is a made a part of this affidavit, was published in said KENDRICK

GAZETTE 2 consecutive times, the

first publication thereof being on the 25-11-68

day of April, A. D., 1968

and the last publication thereof being on the

2 day of May, A. D. 1968

and that said Notice of Claim to A

Water Right No. 86-4001

was 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 said paper, during the period and the times of publication as set forth above.

W. L. McCreary

Subscribed and sworn to before me this, the

2nd day of May, 1968

Notary Public

NOTICE OF CLAIM TO A WATER RIGHT

No. 86-4001

Notice is hereby given that Werner Brammer, Kendrick, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.2 cubic feet per second of water from the Potlatch River, tributary of Clearwater River with point of diversion in SE 1/4, Sec. 26, T. 38 N. R. 3 W. B. M., Latah County; the water is claimed to be used from May 1 to December 1 for irrigation purposes with a priority of May, 1941; the place of use is in the NW 1/4 SE 1/4, Sec. 26, T. 38 N. R. 3 W. B. M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Kendrick Gazette, Kendrick, Idaho, on April 25 and May 2, 1968.

bill submitted 5-6-68

86-4001

Identification No. 86-4001Claim No. 42352

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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 WERNER BRAMMER
post office address KENPRICK IDAHO2. The point of diversion is in S.E. $\frac{1}{4}$ of Section 26 Township 38 N
Range 3 W B.M. located on Potlatch River
(name of source)
tributary to Clearwater in Latah 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: 1941 - (May)
10,000 gallons amount: 0.2 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
1967 (May) amount: 0.2 c.f.s. or _____ acre feet
(10,000 gal) Total claimed 0.2 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 Irrigation period of use from May 1 to Dec 1 (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 _____
Pumping Dam From Potlatch River 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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Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

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_____

[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? no 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. CATTLE

7. Where water is used for domestic or municipal purposes give number of families served _____
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 _____

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

This water is to be used for irrigation of lower
and flatter in a private home. Also for stock watering on
a small cattle ranch near the town of Paulsen

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

2/29/68
(Date)

Werner Branner
(Signature of Claimant)

State of Idaho
County of Latah } ss.

On this 29 day of Feb 1968, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he-(she)-(they)-executed the same.

Doct. E. Magnusson
Notary Public residing at Paulsen, Id.

My commission expires 12-6-70

For Department Use Only

Received by <u>ej</u>	Date <u>3-11-68</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>Drake</u>	Date <u>3-11-68</u>			
Fee received by <u>ej</u>	Date <u>3-11-68</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>LS</u>	Date <u>4-17-68</u>			
Published in <u>Bozette</u>	Dates <u>4-25 & 5-2</u>			

86-4001

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:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. 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 Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Kendrick Gazette,
Kendrick, Idaho, on April 25 and
May 1, 1968.

will submitted 5-6-68

86-4001

ACT

ION

L DIVERSION POINT - NESE 26 38N 03W

NWSE 26 38N 03W

L DIVERSION POINT - SWSE 26 38N 03W

SESE 26 38N 03W

WATER RIGHT NUMBER 86-4001

WATER RIGHTS EDIT REPORT

10/02/79

PAGE 55

ACT
ION

N OWNER LAST NAME - BRAMMER

FIRST NAME - WERNER

N CITY - KENDRICK

STATE - ID

N SOURCE - POTLATCH RIVER

TRIBUTARY OF - CLEARWATER

N STAGE - STATRY CLM

PRIORITY - 05-01-1941 COUNTY - LATAH

TOTAL DIV. RATE - .2000CFS

N FROM - 05-01 TO - 12-01 USE - IRRIGATION

USE DIV. RATE - .2000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 38N RNG 03W SEC 26 TRACT NWSE AC 01

N REMARKS - PRIORITY DATE ALSO 5-1-1967 OF .2 CFS.

N P/D SE 1/4, S26, T38N, R3W.

N AC. IRR.=.5

IDENT. NO. 86-4601

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 86-4001
Old No. New No.

Record

1. Original Owner: Werner Brammer

Present Owner: _____

2. Address:

3. City: Hendrick State: ID Zip: _____4. A. Source of Water: Potlatch RiverB. Tributary of: Clearwater5. 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: 5-1-1941D. County: 57E. Total Diversion Rate: .2

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):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
-------	------	------	------	-----------	--------

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

from 5-1 to 12-1 for 4 purposes. Amount .2
(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 _____

8. Use code: *A*

9. A. Decree Name:
B. Decree Date:

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

13. A. Proof Due Date:
B. Date Permit Approved or Denied:

H. Conditions of Approval:

14. Diversion Means (brief narrative):

May 16, 1968

Re: Claim No. 86-4001

Werner Brammer
Kendrick,
Idaho

Dear Mr. Brammer:

Your claim to a water right has been processed by the Department of Reclamation. The information in your claim is filed under Claim No. 86-4001.

Enclosed is receipt No. 624 for the amount of \$10.00. This amount was for the original filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Receipt No. 624

C
O
P
Y

86-4001

April 17, 1968

Re: Claim No. 86-4001

Werner Brammer

Kendrick Gazette
Kendrick,
Idaho

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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DDM:ks

Enclosure: legal notice

NOTICE OF CLAIM TO A WATER RIGHT

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cubic feet per second ~~per foot~~ of water from the Potlatch River, tributary of
Clearwater River with point of diversion in SE¹4, sec. 26,
T. 38 N, R. 3 W, B.M., Latah County; the water is
claimed to be used from May 1 to December 1 for irrigation purposes
_____ with a priority of May, 1941
_____ ; the place of use is in the NW¹SE¹4,
sec. 26, T. 38 N, R. 3 W, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Kendrick Gazette, Kendrick, Idaho
on April 25 and May 2.

86-4001

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

March 8, 1968

R. KEITH HIGGINSON
State Reclamation Engineer

RECEIVED
MAR 11 1968
Department of Reclamation

Re: Claim to a Water Right

Werner Brammer
Kendrick,
Idaho

Dear Mr. Brammer:

We are returning your claim to a water right as we cannot process your claim until we are in receipt of the required statutory fee of \$10.00.

Also before your claim can be acceptable, we must have an answer under 5a of the claim. You must insert the township, range, section, and the subdivision in which your 1/2 acre of ground is located.

Please contact us if we may be of further assistance.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Claim to a water right

Sorry I forgot to enclose my 10⁰⁰

86-4001