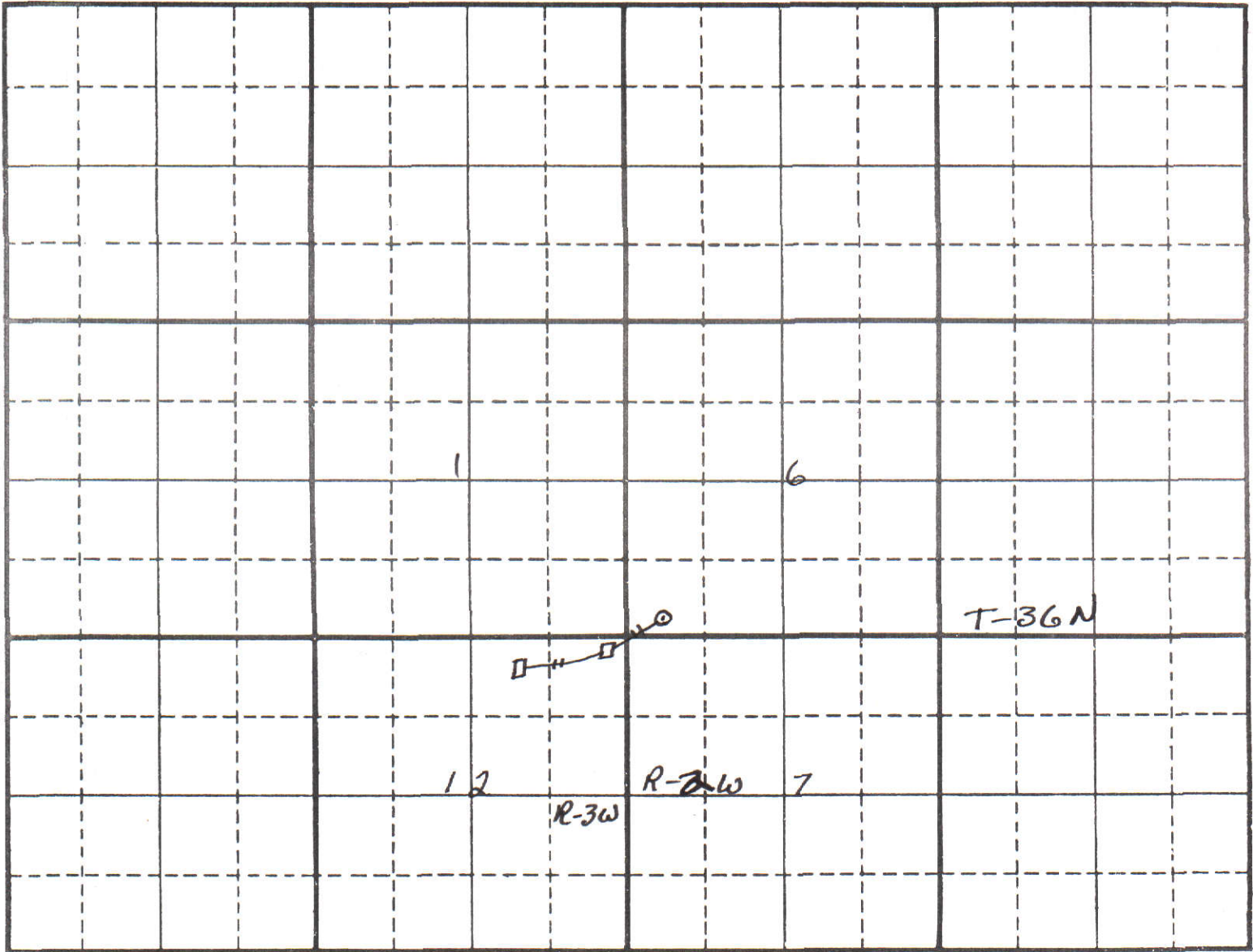


(8) Remarks _____



Scale: 2 inches equal 1 mile.

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 Lootenau) 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 24 day of March

Les Messing
(Claimant)

19 83

Robert D. Haynes
Notary Public
Residing at CA

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by 1/K Date 3/24/83 Exception filed by: _____ Date _____
Prelim. check by SK Date 3/24/83 # 27407 Forwarded to claimant by: _____
\$30.00 fee received by 1/K Date 3/24/83 Published in _____
Dates 4/7+14/83

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

_____, being duly sworn
deposes and says, I am the Classified Bookkeeper
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 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the NOTICE OF CORRECTION

attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for 2 consecutive weeks, the
first publication thereof being on the 5th day of
May, A. D. 1983, and the last publica-
tion thereof being on the 12th day of May,
A. D. 1983, and said NOTICE OF CORRECTION
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of May, 1983

Sheryl M. Lent

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

NOTICE OF CORRECTION

Notice is hereby given that Claim to a
Water Right No. 84-4176 in the name of
Leo Messinger, Jr. was advertised in-
correctly on 4/7 and 4/14, 1983.

The Diversion Point was incorrectly
described as the SWSW Sec 06 T36N
R03W; whereas, correctly it should be
the SWSW Sec 06 T36N R02W.

Any exception to the above-referenced
correction must be filed with the State
of Idaho Department of Water Re-
sources, 4055 Government Way, Coeur
d'Alene, Idaho 83814.

A. KENNETH DUNN
Director

RECEIVED

MAY 16 1983

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

LEO MESSINGER, JR.

(Name of Claimant)

Rt 1 Box 100 CULDESAC, ID

(Mailing Address)

83526

(Zip Code)

Telephone No 836-5543

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority (When was the water first applied to a beneficial use) 1952

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water) SPRING tributary to MAGGIE CREEK

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>0.08</u>		<u>DOMESTIC</u>		<u>JAN 1</u>	<u>DEC 31</u>
<u>0.02</u>		<u>STOCKWATER</u>		<u>JAN 1</u>	<u>DEC 31</u>

(4) 0.10 TOTAL QUANTITY USED
(cfs, af)

(5) A) Point of diversion (Location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 6 Twp 36N Rge. 2W B.M., County of NEZ PERCE
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. Describe any changes in the system and give the date of the change. COLLECTION BOX WITH PIPELINE TO PLACE OF USE

(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	
<u>36N</u>	<u>3W</u>	<u>12</u>	<u>X</u>	<u>X</u>															

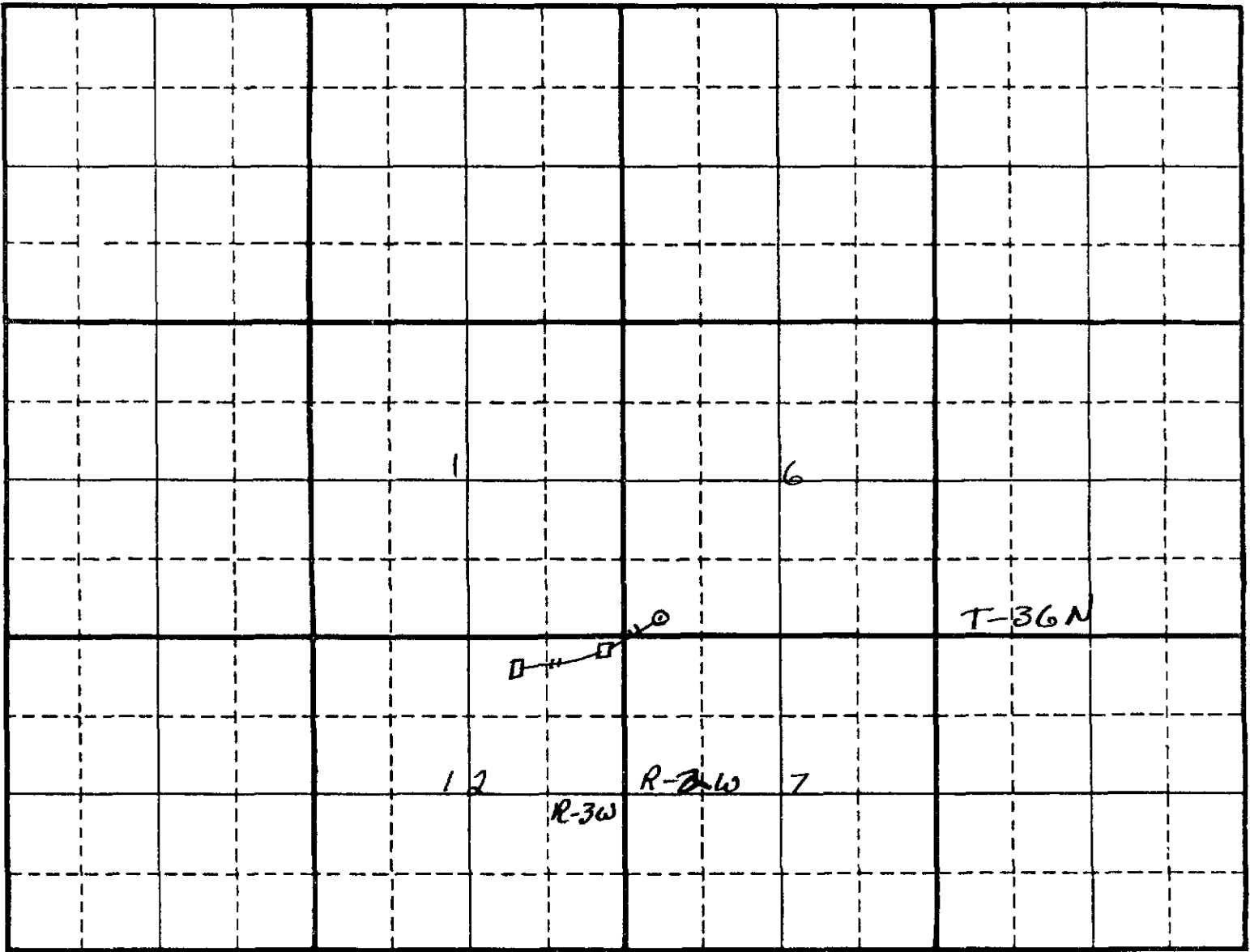
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible DOMESTIC USE - 2 HOUSEHOLDS

NOTE Include here the type and number of stock watered 50

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

(8) Remarks _____



Scale 2 inches equal 1 mile.

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 Lootenau) 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 24 day of March

Les Messing
(Claimant)

Robert L. Haynes
Notary Public
Residing at CA

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by JK Date 3/24/83 Exception filed by _____ Date _____
Prelim. check by JK Date 3/24/83 # 27407 Forwarded to claimant by _____
\$30.00 fee received by JK Date 3/24/83
Published in Bozeman Tribune
Dates 4/24/83

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

85-4327
NANNINGA, JR., JOHN
1901 FIRST ST., LEWISTON, ID 83501
Source: GROUNDWATER
Priority Date: 06/01/1953
Diversion Pt: SWSE Sec 01 T 35N R 06W
Use: IRRIGATION (0.06 CFS)
In: SWSE Sec 01 T 35N R 06W FOR 3 ACRES

85-4328
VAN HOUTEN, HERMAN JOHAN
Rt. 1 BOX 133, LAPWAI, ID 83540
Source: GROUNDWATER
Priority Date: 08/29/1962
Diversion Pt: SWNW Sec 13 T 35N R 04W
Use: DOMESTIC (0.60 CFS)
In: SWNW Sec 13 T 35N R 04W

85-4329
SCHAUB, STEPHEN A.
3745 LAPWAI RD., LEWISTON, ID 83501
Source: SPRING trib. to SMALLS CANYON
Priority Date: 01/01/1940
Diversion Pt: SWSE Sec 36 T 36N R 05W
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.12 CFS)
In: LOT 03 Sec 01 T 35N R 05W FOR 1 ACRES

85-4330
SPRINGSTON, HAROLD
RT. 1 BOX 42, PECK, ID 83545
Source: SPRING trib. to JACK CREEK
Priority Date: 01/01/1935
Diversion Pt: NWSW Sec 17 T 36N R 01W
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.05 CFS)
In: NWSW Sec 17 T 36N R 01W

85-4333
OSBORN, M.L. &/or CONSTANCE
1030 PROSPECT ST., LEWISTON, ID 83501
Source: SPRINGS trib. to SINKS
Priority Date: 01/01/1900
Diversion Pt: SENW NESW Sec 02 T 36N R 02W
Use: STOCKWATER (0.02 CFS)
STOCKWATER STORAGE (3.0 AF)
STOCKWATER FROM STORAGE (3.0 AF)
DIVERSION TO STORAGE (0.10 CFS)
In: SENW NESW Sec 02 T 36N R 02W

86-4172
GROSCLOSE, VIRGIL A.
9949 N & S HWY., LEWISTON, ID 83501
Source: UNNAMED STREAM trib. to CLEARWATER RIVER
Priority Date: 01/01/1939
Diversion Pt: SWSW Sec 16 T 36N R 04W
Use: IRRIGATION (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWSW Sec 16 T 36N R 04W FOR 3 ACRES

86-4174
NELSON, RUDOLPH
RT. 1 BOX 70, TROY, ID 83871
Source: UNNAMED STREAM trib. to BIG BEAR CREEK
Priority Date: 06/01/1951
Diversion Pt: NESE Sec 22 T 39N R 03W
Use: IRRIGATION (0.20 CFS)
IRRIGATION STORAGE (65.0 AF)
STOCKWATER STORAGE (1.0 AF)
In: NESE Sec 22 T 39N R 03W FOR 10 ACRES

86-4176
MESSINGER, JR., LEO
Rt. 1 BOX 100, CULDESAC, ID 83526
Source: SPRING trib. to MAGPIE CREEK
Priority Date: 01/01/1952
Diversion Pt: SWSW Sec 06 T 36N R 03W
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.08 CFS)
In: NENE NWNE Sec 12 T 36N R 03W
Exceptions to a claim may be filed with the Director, Dept. of Water Resources: 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir
NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho.

85-7327
OSBORN, M.L. &/or CONSTANCE
1030 PROSPECT ST., LEWISTON, ID 83501
Source: RATTLESNAKE CREEK trib. to CLEARWATER RIVER
Date Filed: 03/24/1983
Diversion Pt: SWNW Sec 03 T 36N R 02W
Use: IRRIGATION (0.20 CFS)
In: SWNW NWSW Sec 03 T 36N R 02W FOR 20 ACRES

The permit(s) will be subject to all prior water rights. Permit must be filed with the Director, Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814 on or before 12/31/1983.

County of Nez Perce } ss.
Gayle Schumacher

_____, being duly sworn deposes and says, I am the Classified Bookkeeper 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 CLAIMS TO WATER RIGHTS attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week for 2 consecutive weeks, the first publication thereof being on the 7th day of April, A. D. 1983, and the last publication thereof being on the 14th day of April, A. D. 1983, and said NOTICE OF CLAIMS TO WATER RIGHTS 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.

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
14th day of April, 1983

RECEIVED *Gayle Schumacher*
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

APR 21 1983

Department of Water Resources
Northern District Office

OK
PSA

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

_____, being duly sworn
deposes and says, I am the Classified Bookkeeper
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 consecu-
tive years immediately preceding the first publication of this
notice, and has been so published uninterruptedly for said
period; that the NOTICE OF CORRECTION

attached hereto and which is made a part of this affidavit was
published in the said Lewiston Morning Tribune, once a
week for 2 consecutive weeks, the

first publication thereof being on the 5th day of
May, A. D. 1983, and the last publica-

tion thereof being on the 12th day of May,
A. D. 1983, and said NOTICE OF CORRECTION
was so published in the regular and entire issue of the said
newspaper and not in a supplement thereof and was so pub-
lished in every issue and number of the said paper, during the
period and times of publication as set forth above.

Gayle Schumacher

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE
12th day of May, 1983

Shirley M. Lentz

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

NOTICE OF CORRECTION
Notice is hereby given that the claim to a
Water Right in the name of
Leo M. Schumacher is
corrected by this notice.
The District Court of the State of Idaho
has ordered that the claim be
corrected to the name of
Gayle Schumacher.
Any and all persons interested
in the State of Idaho
Resources, 4000
d'Alene, Idaho, may
contact the
Director

RECEIVED

MAY 16 1983

Department of Water Resources
Northern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 86-4176
in the name of Leo Messinger, Jr.
was advertised incorrectly on 4/7 and 4/14, 1983.

The Diversion Point was incorrectly described as the SWSW Sec 06
T36N R03W; whereas, correctly it should be the SWSW Sec 06 T36N
R02W.

Any exception to the above-referenced correction must be filed
with the State of Idaho Department of Water Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN

Director

Published in the Lewiston Tribune on
5/5 and 5/12, 1983

RECEIVED
MAY 11 1983
STATE OF IDAHO
DEPARTMENT OF
WATER RESOURCES

January 7, 1983

Leo Messinger, Jr.

Rt. 1 Box 100

85-4382 Culedesac, Idaho.

83524

Department of Water Resources

Rt. 5th Box 203

Coeur d'Alene, Idaho 83814

Dear Sir:

please send us the free packet of
information & instructional material on
water rights

Thank You,

Sincerely

Leo O. Messinger Jr.

Rt. 1 Box 100

Culedesac, Idaho

83524

For
Packet
June 20.
1/10/83
RECEIVED

JAN 10 1983

Department of Water Resources
Northern District Office

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Pat

DATE 6/3/83

TO

Roberta

SUBJECT

86-4176 (now 85-4382)

This is the file I called you about today. The new number is 85-4382.

It is in the name of Leo Messinger, Jr. The actual file is in the process of being sent down to Boise.

Are you as busy as we are in the regions?



SIGNATURE

State of Idaho
Department of Water Resources

85-4382

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 86-4176 Applicant Messinger

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By JK Date 4/27/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 6-14-83

RECEIVED
JUN 13 1983
Department of Water Resources

IDENT. NO. 86-4176

WATER RIGHT
DATA ENTRY LOG

[illegible]

86-4176

MESSINGER, JR., LEO

PT. 1 BOX 100. CULDESAC. ID 87526

Source: SPRING trib. to MAGPIE CREEK.

Priority Date 01/01/1952

Conversion Pt. SWSW Sec 06 T 36N R 03W

```
Use: STOCKWATER      (0.02 CFS)
      DOMESTIC        (0.08 CFS)
```

In: NENE NWNE Sec 12 T 36N R 03W

Charged on
computer
4/28/03

Handwritten notes and signatures at the bottom of the page.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
R. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

APRIL 25, 1987

LEO MESSINGER, JR.
PT. 1 BOX 100
CULDESAC

ID 83526

RE: Claim No. 86-4176

Dear Claimant

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure