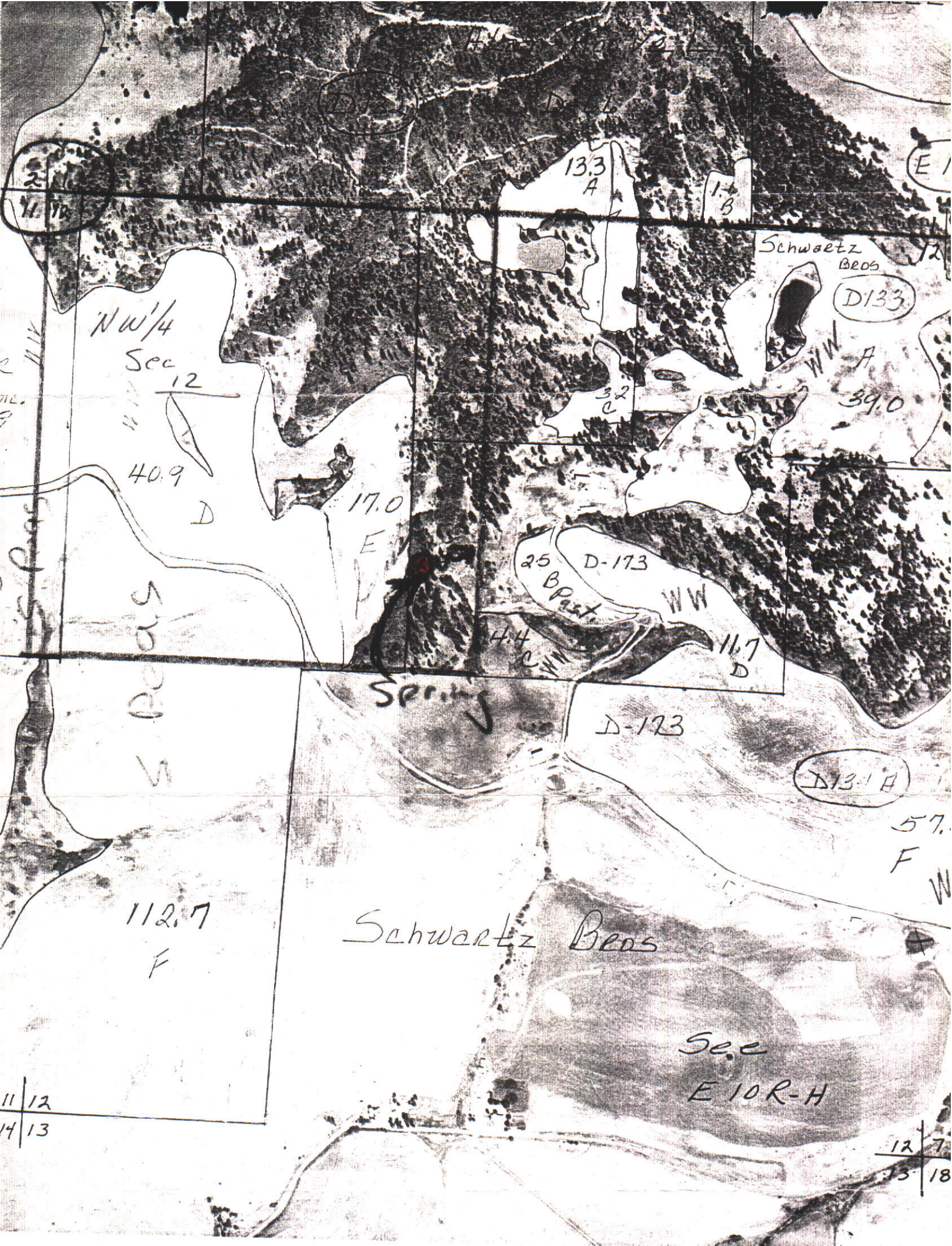




2 11
11 12

13.3
A

1.6
B

E 1

Schwaetz
Bros

D133

WW A
39.0

NW 1/4
Sec 12

40.9
D

17.0
E

25 D-173
Bpast

4.4
C

WW

11.7
D

Spring

D-173

D131A

57.
F
W

112.7
F

Schwaetz Bros

See
E 10R-H

11 12
14 13

12 7
13 18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

MAY 9 1983

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights ⁱⁿ ~~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

Jalm Schwane

(Name of Claimant)

Box 45 CALDESAC IDAHO
(Mailing Address)

83524
(Zip Code)

Telephone No. 843 559

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) 1906

A claim is not acceptable on a ground water source with a priority later than March 25, 1953 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)

tribe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring (Cottonwood creek) tributary to Clearwater River

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.02</u>	Use	<u>Livestock</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____
Quantity	_____	Use	_____	Period of Use From	_____ To _____

(4) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)

1/2 1/4 NW 1/4, Sec. 12 Twp. 35N Rge. 3W B.M., County of N. Payne
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. *Spring box*

(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.

[illegible]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

lives tock water

NOTE: Include here the type and number of stock watered. 10 head cow/calf

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

(8) Remarks BSCS 8" = 2 mile photo attached

[illegible]

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)
) ss.
County of Blaine)

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 5th day of

 John Schuane
(Claimant)

Notary Public
Residing at

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>SAC</u>	Date <u>5/9/83</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>PM</u>	Date <u>5/11/83</u>		claimant by:	
\$10.00 fee received by <u>PM</u>	Date <u>5/11/83</u> #26702			
Published in <u>Western Union</u>				
Dates <u>4/9-16/83</u>				

NW 1/4
Sec 12

40.9

D

17.0

E

112.7

F

13.3
A

1.6
B

Schwartz Bros

D-133

32
C

39.0

25
B

D-173

WW

16.7

D

SPR

D-123

D-13-H

57.

F

W

Schwartz Bros

Sec

E 10 R-H

11/12

14/13

12/1

5/1

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

85-7348

RAD, DON
RT. 1 BOX 32, CULDESAC, ID 83524
Source: SPRINGS trib. to SINKS
Date Filed: 05/27/1983
Diversion Pt: SENW Sec 16 T 34N R 03W SESE Sec 09 T 34N R 03W SWNW Sec 16 T 34N R 03W
Use: STOCKWATER (0.02 CFS)
In: SENW SWNW Sec 16 T 34N R 03W SESE Sec 09 T 34N R 03W
85-7388

MAYNARD, TAD RUBEN
423 PARK AVE., LEWISTON, ID 83501
Source: SPRING trib. to COTTONWOOD CREEK
Date Filed: 07/01/1983
Diversion Pt: SWNE Sec 10 T 36N R 03W
Use: IRRIGATION (0.12 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWNE Sec 10 T 36N R 03W FOR 6 ACRES

MC GREGOR FARMS INC
P.O. BOX 1392, LEWISTON, ID 83501
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversion Pt: NWNE Sec 10 T 34N R 04W
Use: COMMERCIAL (0.06 CFS)
COMMERCIAL (0.02 CFS)
DOMESTIC (0.02 CFS)
In: NWNE Sec 10 T 34N R 04W
85-7391

NOBLE, TRUSTEE, CHARLES W.
10934 WICKWILD, HOUSTON, TX 77024
Source: CAVE GULCH SPRING trib. to SNAKE RIVER
Date Filed: 06/27/1983
Diversion Pt: SENE Sec 36 T 31N R 05W
Use: IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SENE Sec 36 T 31N R 05W FOR 1 ACRES

WASEM, WELDON B.
CULDESAC, ID 83524
Source: GROUNDWATER
Date Filed: 06/23/1983
Diversion Pt: SESW Sec 32 T 36N R 02W
Use: IRRIGATION (0.09 CFS)
DOMESTIC (0.02 CFS)
In: SESW Sec 32 T 36N R 02W FOR 3 ACRES

ARNOLD, LESLIE T. &/or KATHLEEN J.
804 11TH ST., LEWISTON, ID 83501
Source: SPRING trib. to REDBIRD CREEK
Date Filed: 06/23/1983
Diversion Pt: NENE Sec 18 T 33N R 04W
Use: STOCKWATER (0.05 CFS)
In: NENE Sec 18 T 33N R 04W

KNIGHT, S.W. &/or GRACE
P.O. BOX 10B, PECK, ID 83545
Source: SPRING trib. to CLEARWATER RIVER
Date Filed: 07/14/1983
Diversion Pt: NENE Sec 01 T 36N R 01W
Use: IRRIGATION (0.03 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NENE Sec 01 T 36N R 01W FOR 2 ACRES

TAMMANY ELEMENTARY SCHOOL
DIST. NO. 343
6800 TAMMANY CREEK RD., LEWISTON, ID 83501
Source: GROUNDWATER
Date Filed: 07/13/1983
Diversion Pt: SESW Sec 23 T 35N R 05W
Use: IRRIGATION (0.06 CFS)
DOMESTIC (0.20 CFS)
In: SESW Sec 23 T 35N R 05W FOR 2 ACRES

85-7396
Source: GROUNDWATER
Date Filed: 07/13/1983
Diversion Pt: SESW Sec 23 T 35N R 05W
Use: IRRIGATION (0.06 CFS)
DOMESTIC (0.20 CFS)
In: SESW Sec 23 T 35N R 05W FOR 2 ACRES

STATE OF IDAHO,
County of Nez Perce

Aug 11 1983

Notary Public in and for the State of Idaho
Northern District Office

Gayle Blaine Bell, being duly sworn, deposes and says, I am the _____ 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 21 consecutive years immediately preceding the first publication of this notice, and has been so published uninterruptedly for said period, that the

Notice of Application for Water Right attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a _____ for _____ consecutive _____ the first publication thereof being on the _____ day of _____ A.D. 19____, and the last publication thereof being on the _____ day of _____ A.D. 19____, and said _____ was so published in the regular and entire issue of 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 BEFORE ME THIS THE _____ day of _____ 19____

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

85-7397
PRESNELL, HUGH C.
RT. 1 BOX 55, LAPWAI, ID 83540
Source: GROUNDWATER
Date Filed: 06/28/1983
Diversion Pt: SWNE Sec 35 T 36N R 04W
Use: IRRIGATION (0.06 CFS)
DOMESTIC (0.04 CFS)
In: SWNE Sec 35 T 36N R 04W FOR 2 ACRES

86-7181
KRICK, PAUL J.
RT. 2 BOX 59, GENESEE, ID 83832
Source: GROUNDWATER
Date Filed: 05/31/1983
Diversion Pt: NWSE Sec 30 T 37N R 05W
Use: IRRIGATION (0.03 CFS)
STOCKWATER (0.1115 CFS)
DOMESTIC (0.1115 CFS)
In: NWSE Sec 30 T 37N R 05W FOR 1 ACRES

86-7206
KROMREI, STANLEY G. &/or DOROTHY L.
RT. 1 BOX 9, LENORE, ID 83541
Source: SPRING trib. to SINKS
Date Filed: 07/14/1983
Diversion Pt: SESE Sec 33 T 37N R 01W
Use: IRRIGATION (0.20 CFS)
DOMESTIC (0.06 CFS)
In: SESE Sec 33 T 37N R 01W FOR 20 ACRES

86-7207
NEZ PERCE TRACTOR CO
P.O. BOX 1127, LEWISTON, ID 83501
Source: GROUNDWATER
Date Filed: 07/29/1983
Diversion Pt: LOT 01 Sec 35 T 36N R 05W SESE Sec 26 T 36N R 05W
Use: COMMERCIAL (0.04 CFS)
DOMESTIC (0.04 CFS)
In: LOT 01 Sec 35 T 36N R 05W
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id. 83814 on or before AUGUST 29, 1983.

KEN DUNN, Dir

NOTICE OF CORRECTION
Notice is hereby given that Claims to Water Right Nos. 86-4182 for John Bone, 86-4185 for Vern Steven Saxton, 86-4186 for Eugene Heath, 86-4187 for Albert H. Dobroth, 85-4355 for Betty L. Schumaker, 85-4359 for Virginia Gaiser, 83-4360 for Virginia Gaiser, 85-4361 for Harold M. Driscoll, 85-4364 for John Schwane, 85-4366 for Golden Grain Dairy Products Inc., 85-4368 for Del E. Hansen, 85-4369 for Robert Rape, 85-4370 for Ralph Steigers, 85-4374 for Joseph L. &/or Maurine A. Whitener, 85-4376 for the City of Reubens and 85-4378 for Charles W. Morton were incorrectly advertised on June 9 and 16, 1983. The following paragraph should have been included with that advertising:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, ID 83814.

KEN DUNN, Dir.

Priority Date 01/01/1962
Diversion Pt SWSE Sec 13 T 33N R 05W

Use STOCKWATER (0.05 CFS)
DOMESTIC (0.08 CFS)
In LOT 01 Sec 18 T 33N R 04W
85-4360

GAISER, VIRGINIA
2153 23RD ST, CLARKSTON, WA
99403

Source SPRING trib to THEISSEN CANYON

Priority Date 01/01/1962
Diversion Pt NWSE Sec 13 T 33N R 05W

Use STOCKWATER (0.03 CFS)
In NWSW Sec 13 T 33N R 05W
85-4361

DRISCOLL, HAROLD M
2724 REDBIRD RD, LEWISTON, ID
83501

Source SPRING trib to REDBIRD CREEK

Priority Date 01/01/1960
Diversion Pt LOT 01 Sec 18 T 33N R 04W

Use IRRIGATION (0.02 CFS)
STOCKWATER (0.02 CFS)
In LOT 01 Sec 18 T 33N R 04W FOR 1 ACRE

SCHWANE, JOHN
P.O. BOX 45, CUI DESAC, ID 83524
Source SPRING trib to COTTONWOOD CREEK

Priority Date 01/01/1906
Diversion Pt SENW Sec 12 T 35N R 03W

Use STOCKWATER (0.02 CFS)
In SENW Sec 12 T 35N R 03W
85-4366

GOLDEN GRAIN DAIRY PRODUCTS INC

1830 MAIN ST, LEWISTON, ID 83501

Source GROUNDWATER
Priority Date 07/01/1961
Diversion Pt NESE Sec 31 T 36N R 05W

Use COOLING (0.0550 CFS)
In NESE Sec 31 T 36N R 05W
85-4368

HANSEN, DEL E
RT 1, P.O. BOX 203, JULIAETTA, ID
83535

Source SPRING trib to SINKS
Priority Date 06/10/1890
Diversion Pt NWNE Sec 35 T 38N R 03W

Use IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In NWNE SWNE NENE SENW Sec 35 T 38N R 03W FOR 43 ACRES
85-4369

RAPE, ROBERT
1525 ALDER ST, LEWISTON, ID
83501

Source SPRING trib to LAPWAI CREEK
UNNAMED STREAM trib to LAPWAI CREEK

Priority Date 01/01/1906
Diversion Pt NWNE Sec 26 T 35N R 04W

Use STOCKWATER (0.02 CFS)
In NENE NWNE Sec 26 T 35N R 04W
85-4370

STEIGERS, RALPH
RT 1 BOX 99, CUI DESAC, ID 83524
Source SPRINGS trib to MAGPIE CREEK

Priority Date 01/01/1900
Diversion Pt NENE SWNE SENE SWNW Sec 11 T 36N R 03W SENE Sec 01 T 36N R 03W

Use STOCKWATER (0.08 CFS)
DOMESTIC (0.07 CFS)
In NENE SWNE SENE SWNW Sec 11 T 36N R 03W SENE Sec 01 T 36N R 03W
85-4374

WHITENER, JOSEPH L. &/or MAURINE A

RT 1 BOX 9B, PECK, ID 83545
Source SPRING trib to SINKS
Priority Date 08/03/1960
Diversion Pt SWNE Sec 11 T 36N R 01W

Use DOMESTIC (0.04 CFS)
In SWNE Sec 11 T 36N R 01W
85-4376

CITY OF REUBENS
P.O. BOX 29, REUBENS, ID 83545
Source GROUNDWATER
Priority Date 01/01/1918
Diversion Pt SWSE Sec 35 T 35N R 02W

Use DOMESTIC (0.07 CFS)
In Located within the City Limits of Reubens

85-4378
MORTON, CHARLES W
408 LAPWAI ST, LEWISTON, ID 83501

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

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

BONE, JOHN
P.O. BOX 444, LEWISTON, ID 83501
Source: SPRING trib. to CLEARWATER RIVER
Priority Date: 01/01/1925
Diversion Pt: Lot 08 Sec 26 T 37N R 03W
Use: Domestic (0.04 CFS)
In: Lot 08 Sec 26 T 37N R 03W
86-4182

SAXTON, VERN STEVEN
619 N. ROWLAND WAY, CENTERVILLE, UT 84014
Source: Spring trib. to POTLATCH RIVER
Priority Date: 05-01-1943
Diversion Pt. NESW Sec 03 T 37N R 03W
Use: IRRIGATION (1.70 CFS)
STOCKWATER (0.0060 CFS)
DOMESTIC (0.04 CFS)
In: NESW SESW NWSE Sec 03 T 37N R 03W FOR 85 ACRES
86-4186

HEATH, EUGENE
RFD, JULIAETTA, ID 83535
Source: SPRINGS trib. to CLEARWATER RIVER
Priority Date: 01/01/1940
Diversion Pt: SWSE Sec 23 T 37N R 03W
Use: IRRIGATION (0.08 CFS)
STOCKWATER (0.0132 CFS)
DOMESTIC (0.04 CFS)
In: SWSE Sec 23 T 37N R 03W FOR 4 ACRES
86-4187

DOBROTH, ALBERT H.
617 26TH ST., LEWISTON, ID 83501
Source: SPRING trib. to POTLATCH RIVER
Priority Date: 01/01/1903
Diversion Pt: NWSE Sec 35 T 38N R 03W
Use: IRRIGATION (0.20 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NWSE Sec 35 T 38N R 03W FOR 2 ACRES
85-4355

SCHUMAKER, BETTY L.
RT 1 BOX 33B, CULDESAC, ID 83524
Source: SPRINGS trib. to MISSION CREEK

Priority Date: 08/03/1960
Diversion Pt: SWNE Sec 11 T 36N R 01W
Use: DOMESTIC (0.04 CFS)
In: SWNE Sec 11 T 36N R 01W
85-4376

CITY OF REUBENS
P.O. BOX 29, REUBENS, ID 83545
Source: GROUNDWATER
Priority Date: 01/01/1918
Diversion Pt: SWSE Sec 35 T 35N R 02W
Use: DOMESTIC (0.07 CFS)
In: Located within the City Limits of Reubens
85-4378

MORTON, CHARLES W.
408 LAPWAI RD., LEWISTON, ID 83501
Source: LINDSEY CREEK trib. to CLEARWATER RIVER
Priority Date: 01/01/1930

JUN 20 1983

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

Department of Water Resources
Northern District Office

Gayle Schumacher, being duly sworn,
Classified Bookkeeper

deposes and says, I am the _____
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 21 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 _____ 9th _____ day of _____

_____ June _____, A.D. 1983, and the last publication thereof being on the _____ 16th _____ day of _____ June _____, A.D. 1983, and said _____ Notice of Claims to Water Rights was so published in the regular and entire issue of 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 BEFORE ME THIS THE _____ 16th _____ day of _____ June _____, 1983.

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RYA

Right Number 85-4364 Applicant Schwane

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 [Signature] Date 10/7/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By AC Date 10-25-83

85-4364

SCHWANE, JOHN

P.O. BOX 45. CULDESAC. ID 83524

Source: SPRING trib. to COTTONWOOD CREEK

Priority Date: 01/01/1906

Diversion Pt: SENW Sec 12 T 35N R 03W

Use: STOCKWATER (0.02 CFS)

In: SENW Sec 12 T 35N R 03W

1

NOTICE OF CORRECTION

Notice is hereby given that Claims to Water Right Nos. 86-4182 for John Bone, 86-4185 for Vern Steven Saxton, 86-4186 for Eugene Heath, 86-4187 for Albert H. Dobroth, 85-4355 for Betty L. Schumaker, 85-4359 for Virginia Gaiser, 83-4360 for Virginia Gaiser, 85-4361 for Harold M. Driscoll, 85-4364 for John Schwane, 85-4366 for Golden Grain Dairy Products Inc., 85-4368 for Del E. Hansen, 85-4369 for Ropert Rape, 85-4370 for Ralph Steigers, 85-4374 for Joseph L. &/or Maurine A. Whitener, 85-4376 for the City of Reubens and 85-4378 for Charles W. Morton were incorrectly advertised on June 9 and 16, 1983. The following paragraph should have been included with that advertising:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir.

Published in the Lewiston Morning Tribune on August 11 and 18, 1983.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

JUNE 20, 1983

JOHN SCHWANE
P.O. BOX 45
CULDESAC

ID 83524

RE: Claim No. 85-4364

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