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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 John J. Ahern  
1705 Redbird Rd. Lewiston, Id. (Name of Claimant)  
(Mailing Address) (Zip Code) Telephone No. 746-0715

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) 1960

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 Redbird Canyon 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:

| (cfs, gpd, AFA) |                 | (Domestic Irrigation, Stock, Etc.) |              | (Both dates inclusive)        |                 |
|-----------------|-----------------|------------------------------------|--------------|-------------------------------|-----------------|
|                 |                 |                                    |              | (Mo., Day)                    | (Mo., Day)      |
| Quantity        | <u>0.02 cfs</u> | Use                                | <u>Stock</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) 0.02 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
SW 1/4 NW 1/4, Sec. 18 Twp 33 N Rge. 4W 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.  
Developed Spring with pipeline to stock tank.

(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% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTAL |
|------------|-----------|-----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|            |           |           | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |       |
| <u>33N</u> | <u>4W</u> | <u>18</u> |     |     |     |     |     |     | X   |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|            |           |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres \_\_\_\_\_

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

NOTE. Include here the type and number of stock watered. 33 hd

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

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x 1<sup>st</sup> and place of mine

Sec 18

T33 N R4W

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.

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.

John J. Ahern  
(Claimant)  
1980.  
Notary Public  
Residing at

**FOR DEPARTMENT USE ONLY**

|                                             |                             |                          |                    |
|---------------------------------------------|-----------------------------|--------------------------|--------------------|
| Received by <u>TK</u>                       | Date <u>2/29/80</u>         | Exception filed by _____ | Forwarded to _____ |
| Prelim. check by <u>HL</u>                  | Date <u>2/29/80</u>         |                          | claimant by _____  |
| \$20.00 fee received by <u>me</u>           | Date <u>2/29/80 (16845)</u> |                          |                    |
| Published in <u>Daystar Morning Tribune</u> |                             |                          |                    |
| Dates <u>3/13 &amp; 20/80</u>               |                             |                          |                    |

# PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Roxie Edmonson

## NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use

85-1133

Ahern, John J., 1705 Redbird Road, Lewiston, ID 83501 Source Spring tributary to Redbird Canyon Creek Priority date 01-01-1961 Amount 0.04 CFS Diversion point SESW Sec 07 T 33N R 04W, Nez Perce County Use Stockwater (0.04 CFS) from 01-01 to 12-31 Place of use SESW Sec 07 T 33N R 04W Diversion Means Developed spring and pipeline

85-1134

Ahern, John J., 1705 Redbird Road, Lewiston, ID 83501 Source Spring tributary to Redbird Canyon Creek Priority date 01-01-1960 Amount 0.02 CFS Diversion point SWNW Sec 18 T 33N R 04W, Nez Perce County Use Stockwater (0.02 CFS) from 01-01 to 12-31 Place of use SWNW Sec 18 T 33N R 04W Diversion Means Developed spring and pipeline

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID 83814

C STEPHEN ALLRED  
Director

, 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 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 13th day of March, A. D. 1980, and the last publication thereof being on the 20th day of March, A. D. 1980, and said Notice of Claims 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  
20th day of March, 1980

Roxie Edmonson  
Shirley J. Hamilton  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein.

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**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

June 17, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

MARGARET AHERN  
1705 REDBIRD RD  
LEWISTON ID 83501

RE: Water Rights

Dear Ms. Ahern:

Al Beardslee and I met in Coeur D'Alene last week and took the opportunity to discuss your water right filings. In the following paragraphs I will summarize Al's findings and explain the necessary course of action, if any, for each of your water right filings.

**Water Right Records**

- Licensed right 85-07203 is for irrigation and fish propagation from a spring located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 18, T33N, R4W. It has a June 29, 1979, priority. According to Al, the license appears to be accurate and no course of action is necessary.
- Licensed right 85-07223 is for domestic and recreation purposes from a spring in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 7, Township 33 North, Range 4 West. It has a February 29, 1980, priority. Al reported that there is no domestic or recreation use at the licensed location. He thinks, as you have suggested, that this right was probably intended to describe the use of water from a spring located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 18, T33N, R4W, for domestic purposes in your home in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17. He reported that this spring is the same one that is the source for the irrigation and fish propagation uses licensed on 85-07203. I am looking into the possibility of amending license 85-07223 to match Al's findings, but it may be necessary for you to file an application for transfer to correct the point of diversion and place of use for the water right. I will let you know what I find out.
- Al reported that voided permit 85-07222 is for domestic purposes in "the Moore house." The source is a spring in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 18. I have recommended that IDWR rescind the order voiding the permit and issue a water right license for this use. I hope to have the license in the mail to you soon.
- Statutory claim 85-04133 is for stock watering purposes from a spring in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 7, T33N, R4W. Al reported that this claim appears to be correct. No action is recommended.

SEP 16 1997

Margaret Ahern  
June 17, 1997  
Page 2

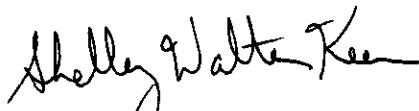
- Statutory claim 85-04134 is for stock watering purposes from a spring in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 18, T33N, R4W. Al reported that this claim is accurate. No action is recommended.

#### **Snake River Basin Adjudication Claims**

- SRBA claim A85-07203 is for licensed right 85-07203, but for some reason the claimed point of diversion does not match the licensed point of diversion. Al believes that the licensed point of diversion, which is the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, is correct. I have passed this information to IDWR's Adjudication Bureau. You may be asked if you wish to amend your claim.
- SRBA claim A85-04133 claims the same water use as statutory claim 85-04133. It appears to be correct and no action is necessary.
- SRBA claim A85-04134 claims the same water use as statutory claim 85-04134. It appears to be correct and no action is necessary.
- SRBA claim A85-11214 is a beneficial use claim for stock watering purposes from a spring in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 18, T33N, R4W. Al reported that he did not see a spring at the claimed location. He suggested that the claim should be for the stockwater use from spring located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18. The spring is near, but is not the same as, the spring source for licensed right 85-07203. I have passed this information to IDWR's Adjudication Bureau. You may be asked if you wish to amend your claim.
- SRBA claim A85-112145 is a beneficial use claim for stock watering purposes from a spring in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 18, T33 North, R4W. Al reported that he did not see a spring at the claimed location. He suggested that the claim should be for the stockwater use from the two springs piped to the stock trough located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18. I have passed this information to IDWR's Adjudication Bureau. You may be asked if you wish to amend your claim.

I hope this information is helpful to you. You should be hearing from me again soon. If you have any questions, please contact me at 208-327-7946.

Respectfully,



Shelley Walter Keen  
Water Rights Supervisor

115 00111  
SEP 16 1997



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

November 26, 1985

RE: Water Rights

Margaret J. Ahern  
1705 Redbird Rd.  
Lewiston, ID 83501

Dear Ms. Ahern:

We are in receipt of your letter requesting information on your water rights. Be advised that we have found five water rights belonging to you. They are listed below for your information.

Claim 85-4133 - This claim is filed on a spring with a priority date of 1961; to be used for stockwater in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 7, Twp 33N, Rge 4W. The amount claimed on this document is 0.04 cfs.

Claim 85-4134 - This claim is filed on a spring with a priority of 1960; to be used for stockwater within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 18, Twp 33N, Rge 4W. The amount claimed is 0.02 cfs.

Permit 85-7203 - This permit is filed on four springs and an unnamed stream; to be used for irrigation and fish propagation. The amount filed on is 0.20 cfs. Our office has conducted a field examination on this system, and will license it in the near future.

Permit 85-7222 - This permit is filed on a spring to be used for domestic purposes. The amount filed on is 0.04 cfs. We have received your proof of beneficial use. The next step will be for an examiner from our Coeur d'Alene office to inspect this system.

Permit 85-7223 - This permit is filed on a spring to be used for domestic and recreation purposes. The amount filed on is 0.04 cfs. We have received your proof of beneficial use of this permit also.

We find that you have met all the requirements necessary to license your permits. The completion of these rights is now up to the Department.

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SEP 16 1997

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If you have any further questions regarding your water rights, or if you need a copy of one or more of the above mentioned rights, please do not hesitate to contact our office.

Sincerely,

KAY WALKER  
Technical Records Specialist

KW:sc

MICT OF LIMITED

SEP 16 1997

Sorry I never received your permit for  
signature. Now am concerned about my  
other permits.

I called Boise about a year ago concerning  
them. An there was a field man out.

I have two more springs that he had  
filed on and I can't seem to get any  
information on them. could you please  
tell me what I do if they have not been  
filed on.

RECEIVED

SEP 30 1985

Department of Water Resources

Thank you  
Margaret J. Ahern  
1705 Red Bird Rd.  
Lewiston, Idaho 83501

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SEP 16 1997

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RK

Right Number 95-7134 Applicant Alan

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 ms Date 3/31/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jim Date 4/8/80

85-4134  
Abern, John J., 1705 Redbird  
Road, Lewiston, ID 83601. Source:  
Spring tributary to Redbird  
Canyon Creek. Priority date: 01-  
01-1960. Amount: 0.02 CFS.  
Diversion point: SWNW Sec 18 T  
33N R 04W, Nez Perce County.  
Use: Stockwater (0.02 CFS) from  
01-01 to 12-31. Place of use:  
SWNW Sec 18 T 33N R 04W.  
Diversion Means: Developed spr-  
ing and pipeline.  
Any exception to any claim of  
water right may be filed with the  
Director of the Idaho Department  
of Water Resources, 4055 Gov't.  
Way, Coeur d'Alene, ID 83814.  
C. STEPHEN ALLRED  
Director

MICROFILMED

85-4134-

AHERN, JOHN J.

1705 REDBIRD ROAD, LEWISTON, ID 83501

Source. SPRING tributary to REDBIRD CANYON CREEK

Priority Date. 01/01/1960

Amount. 0.02 CFS

Diversion Point: SWNW Sec 18 T 33N R 04W, NEZ PERCE Co.

Use. STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use. SWNW Sec 18 T 33N R 04W

Diversion Means. DEVELOPED SPRING AND PIPELINE.

RECEIVED  
FEB 1 1960  
FBI - ID

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Northern Region

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JOHN V. EVANS  
Governor  
C. STEPHEN ALLRED  
Director

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

MARCH 31, 1980

JOHN J. AHERN  
1705 REDBIRD ROAD  
LEWISTON

ID 83501

RE Claim No. 85-4134

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

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