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R 1 W

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.

Sworn to before me this 6th day of MAY

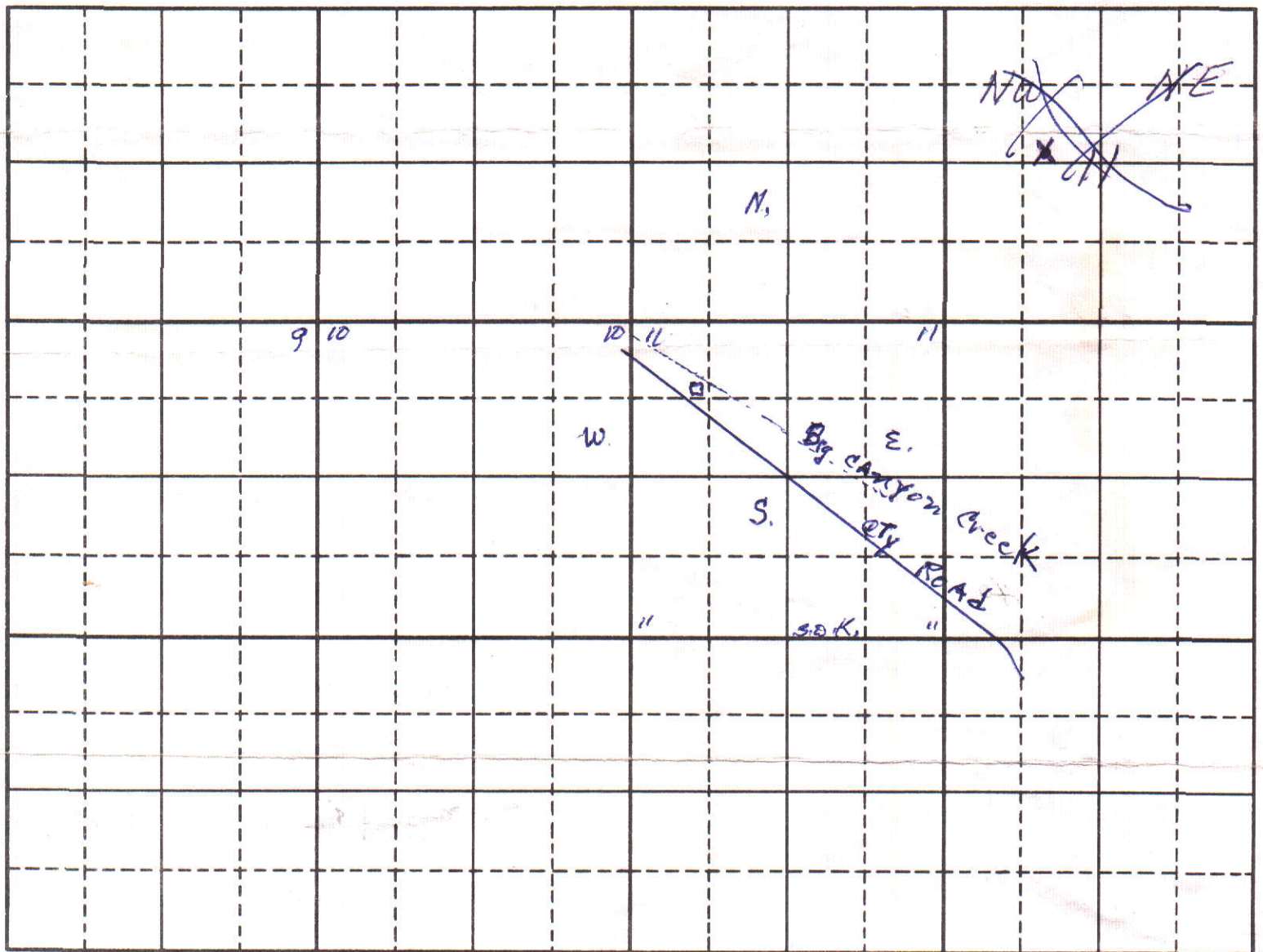
My commission expires 1-1987

6/11/83
No check

FOR DEPARTMENT USE ONLY

Received by <u>RA</u>	Date <u>5-12-83</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>TK</u>	Date _____		claimant by: _____	
\$30.00 fee received by <u>NA</u>	Date _____			
Published in _____				
Dates _____				

(8) Remarks Only have 16 acre of ground. Land is located on
Big Canyon Creek in the SENEW of section 11



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 Nez Perce) 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.

Sworn to before me this 10th day of May

Sidney D. Kelley
(Claimant), 19 77

James E. Lloyd
Notary Public
Residing at Lewiston Idaho

My commission expires _____

CLERK OF THE DISTRICT COURT AND
EX-OFFICIO AUDITOR AND RECORDER
NEZ PERCE COUNTY, IDAHO

Received by [Signature] Date 5-18-77 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 5-18-77
\$10.00 fee received by [Signature] Date 5-18-77 (6512)
Approved for publication by _____
Published in Lewiston Morning Tribune
Dates 5-25 & 6-1-77
OK 6-6-77

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Raelene Thornton

, 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 claim to a water rgt
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 26 day of
May, A. D. 1977, and the last publica-
tion thereof being on the 2 day of June,
A. D. 1977, and said Notice of claim
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.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

2 day of June, 19 77.

Frank R. [Signature]
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4085

Notice is hereby given that
Sidney D. Kelley, Rt. 1, Box 1A,
Peck, Idaho, has filed a claim to a
water right established by
diversion and application to
beneficial use of 40 gallons per
minute of water from Big Canyon
Creek, tributary of the
Clearwater River with point of
diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.
11, T36N, R1W, B.M. Nez Perce
County.

The water is claimed to be used
from April 1 to Oct. 1 for the
irrigation of $\frac{1}{2}$ acre with a
priority of 1971; the place of use is
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11,
T36N, R1W, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

MICROFILMED

OK
6-6-77
#

RECEIVED

AMENDED
JUN 13 1983Department of Water Resources
Northern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

AMENDED

RECEIVED

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.

Department of Water Resources
Northern District Office

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 J.P. ~~AND~~ GEORGIA C. BERRY

(Name of Claimant)

Rt 1, Box 1A Peck ID.

(Mailing Address)

83545

(Zip Code)

Telephone No. 486-6721

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: (PER PION CON 6/13/83) ~~22~~

- (1) Date of priority: (When was the water first applied to a beneficial use) JANUARY 1, 1965 (SEE LETTER ATTND. ALSO)

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)

BIG CANYON 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From		(Both dates inclusive)	
				(Mo., Day)	To	(Mo., Day)	To
Quantity	40 G.P.M.	Use	IRRIGATION	Period of Use From	APR 1	To	OCT 1
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) 40 G.P.M. TOTAL QUANTITY USED.

(cfs, af)

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

SE 1/4 NW 1/4, Sec. 11 Twp. 36N Rge. 1 W, 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. PUMP, 1 H.P. 1 1/2" SUCTION & 1" DISCHARGE FROM CREEK

- (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	
36N	1W	11								1									1

No. of acres 1

- 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:

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

- (8) Remarks THIS AMENDED CLAIM AND ACCOMPANYING DOCUMENTS ARE FILED BY MAX MRS BERRY, WHO ARE THE PRESENT OWNERS, TO SUPPORT THE FACT THAT BENEFICIAL USE STARTED PRIOR TO MAY 20, 1971, NOT SUBSEQUENTLY AS DESCRIBED ON INITIAL CLAIM.

Scale: 2 inches equal 1 mile.

State of Idaho)
County of Clearwater) ss.

Joseph P. Barry
(Claimant)

Notary Public
Residing at Orpington

811
No check FOR DEPARTMENT USE ONLY

Received by <u>ASH</u>	Date <u>5-12-85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JK</u>	Date _____		claimant by:	
\$30.00 fee received by <u>NA</u>	Date _____			
Published in _____	_____	_____	_____	_____
Dates _____	_____	_____	_____	_____

5-6-83

RECEIVED

MAY 12 1983

TO WHOM IT MAY CONCERN ^{Department of Water Resources}
^{Western Regional Office}

WE CONTACTED THE TAX OFFICE IN LEWISTON TO ASCERTAIN WHEN THE BUILDING PERMIT WAS ISSUED FOR THE CONSTRUCTION OF OUR HOUSE, AS ONE POSSIBLE WAY OF ESTABLISHING THE FIRST PROBABLE DATE OF WATER DIVERSION.

THIS INFORMATION WAS NOT ON FILE, HOWEVER WE WERE TOLD THAT THE TAX INCREASE RECORDS ^{SHOW} THE HOUSE WAS COMPLETED IN LATE 1971 AND AS A GENERAL RULE IT IS FROM ONE TO TWO YEARS FROM THE ISSUANCE OF A BUILDING PERMIT UNTILL A BUILDING IS FINISHED AND THE PROPERTY RE ASSESSED.

FURTHER, WE DISCUSSED THIS MATTER WITH JAKE JONES WHOSE FAMILY OWNED THIS PROPERTY AND THE PROPERTY ON BOTH SIDES OF OUR BEFORE SUB DECIDING IT. HE STATED THAT IN THE EARLY TO MID SIXTIES HIS FATHER HAD THIS AND ADJOINING PROPERTY UNDER CULTIVATION. THE WATER WAS PUMPED FROM THE CREEK FOR THIS AS WELL AS BEING PIPED UP TO THE HOUSE FOR DOMESTIC USE.

MICROFILMED

AS WE HAVE BEEN TOLD BY MANY PEOPLE IN THIS COMMUNITY THAT JAKE JONES IS ILLITERATE, WE DIDN'T FEEL IT WOULD BE A GOOD IDEA TO PUSH FOR A WRITTEN STATEMENT FROM HIM.

FROM WHAT WE HAVE BEEN ABLE TO LEARN, THERE IS LITTLE DOUBT IN OUR MINDS THAT WATER FROM THE CREEK WAS DIVERTED AND USED ON THIS PROPERTY SEVERAL YEARS PRIOR TO MAY 20, 1971. AND THEREFORE SUBMIT THIS STATEMENT TO SUPPORT OUR APPLICATION TO AMEND OUR CLAIM OF WATER RIGHTS.

Joseph P. Berry

MICROFILMED

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:

85-7361

PEER, ERNEST

3419 11th ST., LEWISTON, ID 83501
Source: BLUE LAKE trib. to SINKS
Date Filed: 06/17/1983
Diversion Pt: NWSE Sec 09 T 33N R 04W
Use: IRRIGATION (0.09 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.06 CFS)
In: NWSE Sec 09 T 33N R 04W FOR 3 ACRES

86-7186

ECKROTH, WALLACE DAVID
2109 ROBINSON PARK RD., MOSCOW, ID 83843
Source: GROUNDWATER
Date Filed: 06/20/1983
Diversion Pt: NWNW Sec 21 T 37N R 03W
Use: IRRIGATION (0.16 CFS)
COMMERCIAL (0.10 CFS)
DOMESTIC (0.04 CFS)
In: NWNW Sec 21 T 37N R 03W FOR 8 ACRES

86-7187

BROWN, DONALD L.
1128 ALDER AVE., LEWISTON, ID 83501
Source: PINE CREEK trib. to CLEARWATER RIVER
Date Filed: 06/21/1983
Diversion Pt: NWNW Sec 25 T 37N R 03W
Use: IRRIGATION (0.20 CFS)
STOCKWATER (0.02 CFS)
In: NENE SWNE Sec 25 T 37N R 03W NWNW Sec 25 T 37N R 03W FOR 20 ACRES
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 JULY 18, 1983.

NOTICE OF CLAIMS TO WATER RIGHTS

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

85-4390

HEUETT, JACK R.
RT. 1 BOX 80, CULDESAC, ID 83524
Source: SPRINGS trib. to COYOTE CREEK

Priority Date: 01/01/1904
Diversion Pt: NWNW NESW Sec 18 T 36N R 02W
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.02 CFS)
In: NESW Sec 18 T 36N R 02W NWSW Sec 18 T 36N R 02W FOR 2 ACRES

85-4391

MCMASTERS, ELLA MAE
VAWTER, GLADYS ANN
3533 16TH ST., LEWISTON, ID 83501
Source: SPRINGS trib. to MILL CREEK
Priority Date: 01/01/1939
Diversion Pt: NENE NWNW SWNE Sec 28 T 34N R 03W
Use: STOCKWATER (0.02 CFS)
In: NENE NWNW SWNE Sec 28 T 34N R 03W

85-4393

SPIKER, ROBERT G.
529-A LINDEN DR., LEWISTON, ID 83501
Source: SPRINGS trib. to LAKE CREEK
Priority Date: 01/01/1929
Diversion Pt: SENE Sec 22 T 33N R 04W

Use: DOMESTIC (0.04 CFS)
In: SENE Sec 22 T 33N R 04W

85-4394

SCHAUB, STEPHEN A.
3745 LAPWAI RD., LEWISTON, ID 83501
Source: GROUNDWATER
Priority Date: 01/01/1957
Diversion Pt: NENW Sec 01 T 35N R 05W

Use: DOMESTIC (0.12 CFS)
In: NENW Sec 01 T 35N R 05W

85-4398

FERWALT, WILLIAM H.
P.O. BOX 230290, PORTLAND, OR 97223
Source: UNNAMED STREAM trib. to WEBB CREEK
Priority Date: 5/01/1965
Diversion Pt: SWNW LOT 11 Sec 27 T 35N R 04W
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.0020 CFS)
DOMESTIC (0.02 CFS)
In: SWNW LOT 11 Sec 27 T 35N R 04W FOR 2 ACRES

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 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 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 30th day of June, A.D. 19 83, and the last publica-

tion thereof being on the 7th day of July, A.D. 19 83, and said Notice of Application for 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 7th day of July, 19 83.

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

85-4399

MCKENZIE, WILLIAM F.
P.O. BOX 28, CULDESAC, ID 83524
Source: SPRING trib. to MISSION CREEK
Priority Date: 01/01/1945
Diversion Pt: SWNW Sec 21 T 35N R 03W
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.02 CFS)
In: SWNW Sec 21 T 35N R 03W FOR 2 ACRES

85-4403

JACKSON, DUDLEY
RT. 1 BOX 199, LAPWAI, ID 83540
Source: SPRINGS trib. to SWEETWATER CREEK, EAST FORK
Priority Date: 01/01/1900
Diversion Pt: NWSE SWNE Sec 35 T 34N R 04W
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWNE Sec 35 T 34N R 04W NWSE Sec 35 T 34N R 04W FOR 5 ACRES

85-4196

HOLBENS' CONTOUR FARMS INC.
RT. 2 BOX 41, GENESEE, ID 83832
Source: SPRING trib. to HATWAI CREEK
Priority Date: 01/01/1875
Diversion Pt: NWSW Sec 08 T 36N R 05W
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NWSW Sec 08 T 36N R 05W

85-4198

KASPER, MARY M.
RT. 2, BOX 110, GENESEE, ID 83832
Source: GROUNDWATER
Priority Date: 01/01/1920
Diversion Pt: NWNW NENW Sec 33 T 37N R 05W
Use: STOCKWATER (0.03 CFS)
DOMESTIC (0.04 CFS)
In: NWNW Sec 33 T 37N R 05W NENW Sec 33 T 37N R 05W

85-4199

HOLBENS' CONTOUR FARMS INC. ET AL
RT. 2 BOX 41, GENESEE, ID 83832
Source: SPRINGS trib. to HATWAI CREEK
Priority Date: 01/01/1875
Diversion Pt: SESW Sec 05 T 36N R 05W
SWNE Sec 08 T 36N R 05W
Use: STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SESW Sec 05 T 36N R 05W SWNE Sec 08 T 36N R 05W
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 AMENDED CLAIM TO A WATER RIGHT

On June 17, 1983, J.P. &/or Georgia C. Berry filed with the Department of Water Resources Amended Claim No. 85-4085 to change the date of priority and the number of acres irrigated. The original claim shows the priority date as 1971 and the number of irrigated acres as 1/2 acre. The claimant now wishes the claim to show the priority date as January 1, 1965 and the number of irrigated acres as 1 acre. Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814.

KEN DUNN, DIR

MICROFILMED

If you are claiming water as a member of an organization, list name of organization: none

[illegible]

NEZ PERCE COUNTY, IDAHO

Mark 5-18-77 For Department Use Only

Received by [Signature] Date 5-11-77 Exception filed by: _____ Forwarded to _____ Date _____

Prelim. check by JK Date 5-18-77 claimant by: _____

\$10.00 fee received by JK Date 5-18-77 (5512)

Approved for publication by _____

Published in Lewiston Morning Tribune _____

Dates 5-25 & 6-1-77 _____

OK 6-1-77 JS

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Raelene Thornton

, 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 claim to a water right
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 26 day of
May, A. D. 1977, and the last publica-
tion thereof being on the 2 day of June,
A. D. 1977, and said Notice of claim
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.

Raelene Thornton

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

2 day of June, 19 77

Charles E. [Signature]
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that
Sidney O. Kelley, Rt. 1, Box 1A,
Pecan, Idaho, has filed a claim to a
water right established by
diversion and application to
beneficial use of 3 gallons per
minute water from Big Canyon
Creek, tributary of the
Clearwater River, with point of
diversion in the SE 1/4 NW 1/4 Sec.
11, T36N, R1W, B.M. Nez Perce
County, Idaho.

The water is claimed to be used
from April 1 to Oct. 1 for the
irrigation of 1/2 acre with a
priority of 1971; the place of use is
within the SE 1/4 NW 1/4 Sec 11,
T36N, R1W, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho, 83814.

STEPHEN ALLRED
Director

State of Idaho
Department of Water Resources

Amended
CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 85-4085 Applicant Berry

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 7/14/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jini Date 8/4/83

MAILED

MEMO TO: Tom KING, NORTHERN REGION

DATE: 6/15/83

FROM: FORREST, WESTERN.

SUBJ: AMD. PMT. 85-4085

Hi Tom: ATTCHO. IS AN AMENDED CLAIM FOR THE ABU, NUMBERED FILE. THE BERRY'S ARE SOME PEOPLE I WORKED WITH AT OROFINO AND GAVE MY CARD AND THEY SENT THE AMENDED CLAIM DOWN HERE. ANYWAY, THE BERRY'S ARE SUCCESSORS TO THE PROPERTY THAT THE ORIGINAL CLAIMANT, SIONKY KELLY, POSSESSED.

KELLY WAS WRITTEN A LETTER IN MARCH OF THIS YEAR THAT THE PRIORITY DATE ON HIS CLAIM WAS TOO INDEFINITE. AS A RESULT, THE BERRY'S DID SOME LEG-WORK AND SUBMITTED A LETTER, ALONG WITH THE AMENDED CLAIM, IN SUPPORT OF A MID-1960'S PRIORITY. FOR SOME REASON, AFTER ALL THEIR EFFORT, THEY STILL DID NOT ENTER THE DATE ON THE CLAIM.

I FINALLY GOT CONNECTED BY PHONE AND AS NOTED (WITH THEIR PERMISSION) ENTERED JAN. 1, 1965. ON RE-CONSIDERATION, PERHAPS THE START OF THE IRRIGATION SEASON MIGHT HAVE BEEN A LITTLE MORE PROPER, BUT AS THE SUPPORTING LETTER STATES, AT THAT TIME, WATER WAS SUPPLIED TO THE HOUSE FOR DOMESTIC ALSO, THEREFORE 3-4 MONTHS DIFFERENCE IN PRIORITY PROBABLY DOESN'T AMOUNT TO MUCH IN THIS CASE.

SINCE OUR COMPUTER WON'T ACCEPT BASINS OUTSIDE OF OUR REGION, I'LL HAVE TO SEND THE THING UP TO YOUR CAPABLE HANDS TO SEE THAT IT GETS ENTERED.

IF THERE ARE ANY QUESTIONS, PLEASE CALL.

THANKS,

Forrest

MICROFIL

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

On June 17, 1983, J. P. &/or Georgia C. Berry filed with the Department of Water Resources Amended Claim No. 85-4085 to change the date of priority and the number of acres irrigated.

The original claim shows the priority date as 1971 and the number of irrigated acres as $\frac{1}{2}$ acre. The claimant now wishes the claim to show the priority date as January 1, 1965 and the number of irrigated acres as 1 acre.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814.

KEN DUNN, Dir.

Published in the Lewiston Morning Tribune on 6/30 and 7/7/83.

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 19, 1983

Mr. J. P. Berry
Rt. 1 Box 1A
Peck, Id. 83545

Re: 85-4085

Dear Claimant:

The Department of Water Resources has completed the advertising of your Amended Claim to a Water Right and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your amended 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 amended 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 amended 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 amended 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 amended claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

Enclosure

MICROFILMED

March 15, 1983

Sidney D. Kelley
Rt. 1, Box 1A
Peck, ID 83545

Re: Claim No. 85-4085

Dear Mr. Kelley:

This office is currently reviewing existing claims to water rights throughout the state. We note that the above-referenced claim, copy enclosed, shows a date of priority of about 5 years prior to 1976. Please be advised that if the first use of the claimed right was after May 20, 1971, you must establish the water right with an Application for Permit, since that was the last date on which a beneficial use right could be developed.

Enclosed we are sending to you an Application for Permit with instructions, as well as a blank Claim to a Water Right form. If the date of priority shown on the claim should be prior to May 20, 1971, please complete the Claim to a Water Right form and return it to this office. No filing fee is required for an amended claim to a water right. If the date shown on the claim is after that date, you will need to fill out and file the Application for Permit.

If you have any questions about this matter, please feel free to contact our Northern Regional office located at 4055 Government Way in Coeur d'Alene. The telephone number is 667-6484.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosures

cc: Northern Region

WATER RIGHT NUMBER 85-4085

WATER RIGHTS EDIT REPORT

PAGE 74

12/17/79

OWNER LAST NAME - KELLEY

ADDRESS LINE 1 - RT. 1 BOX 1A

FIRST NAME - SIDNEY D.

SOURCE - BIG CANYON CREEK

STAGE - STATRY CLM

TRIBUTARY OF - CLEARWATER RIVER

DIVERSION POINT - SENW 11 36N 01W

FROM - 04-01 TO - 10-01

USE - IRRIGATION

REMARKS - AC. IRR. 2.5.

CITY - PECK

STATE - ID ZIP CODE - 83545

PRIORITY - 06-01-1971 COUNTY - NEZ PENCE TOTAL DIV. RATE - .0900CFS

USE DIV. RATE - .0900CFS

PLACE OF USE - T2N 36N R4G 01W SEC 11 TRACT SENW AC 01

3/79

IDENT. NO. 85-4085

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 185-4085
Old No. New No.

Record

1. Original Owner: Sidney D. Kelby

Present Owner: _____

2. Address: St. 1 Box 1A3. City: Beck State: Id Zip: 835454. A. Source of Water: Big Canyon CreekB. Tributary of: Clearwater River5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1971D. County: 69E. Total Diversion Rate: .09

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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE1W</u>	<u>11</u>	<u>36N</u>	<u>1W</u>		

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

from 4-1 to 10-1 for A purposes. Amount .09
(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

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *ac. irr.* = -5
B.
C.
D.
E.

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

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 8, 1979

Mr. and Mrs. J. P. Berry
Route 1, Box 1A
Peck, Idaho 83545

Dear Mr. and Mrs. Perry:

Enclosed is a copy of Claim to a Water Right No. 85-4085 which was filed by Mr. Sidney D. Kelley.

As long as you intend to use the water for the same use and in the same amount as shown on this claim, you need not make application for a new water right, since the water right was transferred to you when you bought the property, unless it was specifically excluded in the deed.

If you have any further questions, please do not hesitate to contact this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

PMS

Enc. - Claim

cc: IDWR - State Office

6-7-79

Dear Sir,

85-4085

We would like to file an application for a permit for Surface Water. We understand the people from whom we bought the house had one.

The people's names were Kidney D. Kelley and James M. Kelley.

Please send the form and instructions for filing.

Thank you,

RECEIVED

JUN 8 1979

Department of Water Resources
Northern District Office

Mrs. Mrs. L. P. Berry
Route 1 Box 1A
Peck, Idaho

83545

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

<u>Item</u>	<u>Initial</u>	<u>Date</u>	
			Application No. _____
			_____ Source
			_____ Point of Diversion
			_____ County
			_____ Quantity of Water and Period of Use
			_____ Description of Diverting Works
			_____ Time required for B/U of water
			_____ Place of Use or Acres Irrigated
			_____ Map
			_____ Signature
			_____ Fee
(1)	_____	_____	In form to receipt
(2)	_____	_____	Send Copies to: _____ Idaho State Health Department _____ Idaho Fish and Game Department _____ Bureau of Land Management
(3)	_____	_____	_____ Request Special Use Permit from U.S.F.S. _____ Request Easement from B.L.M. _____ Request Information from Applicant _____ Request Dam Safety Information
(4)	_____	_____	In form for advertising
(5)	_____	_____	Platted on Map No. _____
(6)	_____	_____	Located within Water District No. _____
(7)	_____	_____	Critical groundwater area: yes _____ no _____
(8)	_____	_____	Groundwater levels: _____ Declining, _____ Stable, _____ Increasing (comment) _____
(9)	_____	_____	Other rights on the same place of use
(10)	_____	_____	Comments: _____ _____
(11)	_____	_____	Affidavit of Publication received(date) _____
(12)	_____	_____	Final date for protests _____ Protests received: yes _____ no _____
(13)	_____	_____	All requested information received from agencies or applicant: yes _____ no _____
(14)	_____	_____	Action recommended: _____ Approve _____ Deny _____ Proposed Priority _____ Reason for Reduction _____ _____ Measuring device required _____ See attached sheet for other conditions of approval _____ No special conditions for approval
(15)	District _____	By _____	Date _____



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

COEUR D'ALENE, IDAHO 838

NORTHERN DISTRICT

4055 Government Way

667-6484

June 6, 1977

RE: Claim No. 85-4085

Sidney D Kelley
Rt 1 Box 1A
Peck, Id 83545

Dear Mr Kelley,

The Department of Water Resources 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 a 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 our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 19, 1977

RE: Application No. 85-7149
Claim No. 85-4085

Lewiston Morning Tribune
505 C St
Lewiston, Id 83501

Gentlemen:

Enclosed is 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 our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Legal Notice(s)



Bill Received
6-6-77
[Signature]

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4085

Notice is hereby given that Sidney D Kelley

Rt 1 Box 1A, Park, Id

has filed a claim to a water right established by diversion and application
to beneficial use of 40 ~~cubic feet per second~~ gallons per minute

of water from Big Canyon Creek, tributary of the Clearwater River

with point of diversion in the SE 1/4 Sec 11, T36N, R1W, B.M. Max Perce County

The water is claimed to be used from April 1 to Oct 1

for the irrigation of 1/2 acre

with a priority of 1971;

the place of use is within the SE 1/4 Sec 11, T36N, R1W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the Lewiston Morning Tribune, Lewiston, Id

May 26 and June 2, 1977

RECEIVED
MAY 26 1977
CLERK OF DISTRICT COURT
IDAHO

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 85-4085

Notice is hereby given that Sidney D. Kelley, Rt. 1, Box 1A, Peck, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 40 gallons per minute of water from Big Canyon Creek, tributary of the Clearwater River with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T36N, R1W, B.M. Nez Perce County.

The water is claimed to be used from April 1 to Oct. 1 for the irrigation of $\frac{1}{2}$ acre with a priority of 1971; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11, T36N, R1W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

36
5-25-77
P



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D'ALENE, IDAHO 83814

May 18, 1977

RE: Claim No. 85-4085

Sidney D Kelley
Rt 1 Box 1A
Peck Id 83645

Dear Mr Kelley,

Attached is your receipt No. 5512 in the amount of \$10.00 for the filing fee on the above referenced item which was received in this office.

Sincerely,

Alea Beito
Secretary

AB

Attachment

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

May 13, 1977

Sidney Kelley
Rt 1 Box 1A
Peck, Id 83545

Dear Mr Kelley,

Your check No. 92-138 and Claim to a Water Right form are being returned to you for clarification and additional information. In item 2, you indicate 50 gpm diversion, yet in item 3, you indicate 40 gpm diversion. Also, item 4 must be completed before the claim will accomplish the purpose for which it is intended.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosures

Dear Sirs: I have answered your questions to the best of my knowledge. I bought this property in June of 76 and the previous owners had been using the water from Big Canyon Creek for irrigation for a period of 5 to 7 yrs. I had this formed filled out by the Auditor in Twiston, but not sure that he understood it any better than I did. I made the necessary changes in item 2 & item 3 as shown. In item (4) I hope I have indicated what was required. Item (5) shows size of pump and capacity. Map shows location of property. Sincerely,
Sidney D. Kelley

May 13, 1977

Sidney Kelley
Rt 1 Box 1A
Peck, Id 83845

Dear Mr Kelley,

Your check No. 92-138 and Claim to a Water Right form are being returned to you for clarification and additional information. In item 2, you indicate 50 gpm diversion, yet in item 3, you indicate 40 gpm diversion. Also, item 4 must be completed before the claim will accomplish the purpose for which it is intended.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

TOM KING
Senior Water Resource Agent

TK:ab

Enclosures

RECEIVED