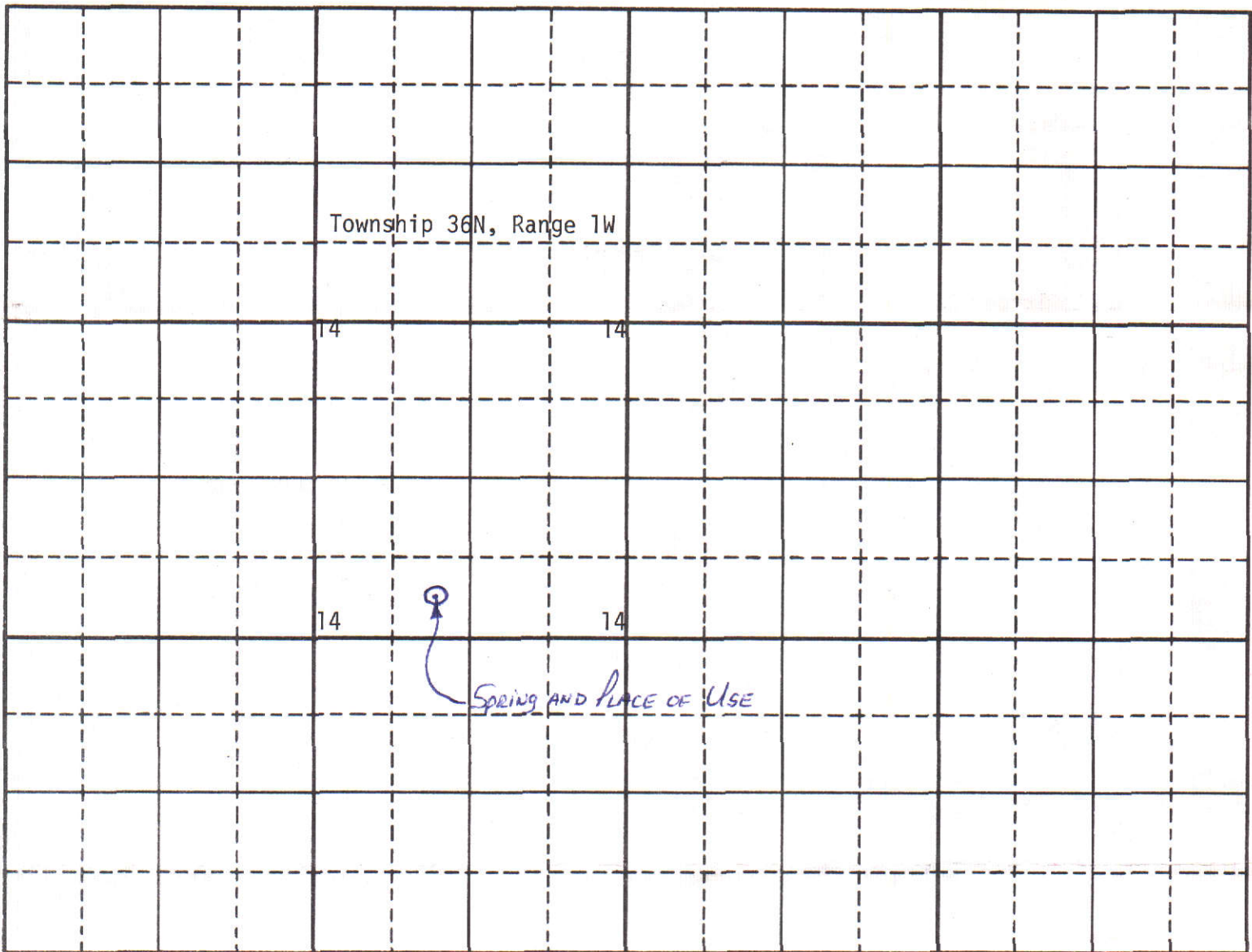


(8) Remarks _____



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)
) ss.
County of Nez Perce)

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.

Edward J. Browning
(Claimant)

Sworn to before me this 1st day of March, 19 77

Walter R. Vane
Notary Public
Residing at Lewiston, Idaho

My commission expires 5-1-79

Rec. #4925		For Department Use Only	
Received by <u>REH</u>	Date <u>3-2-77</u>	Exception filed by:	Forwarded to
Prelim. check by <u>REH</u>	Date <u>3-3-77</u>		claimant by:
\$10.00 fee received by <u>cp</u>	Date <u>3-3-77</u>		
Approved for publication by <u>REH</u>			
Published in <u>Lewiston Morning Tribune</u>			
Dates <u>3-10 & 3-17-77</u>			

PUBLISHER'S AFFIDAVIT OF PUBLICATION

RECEIVED
MAR 18 1977

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 85-4078

Notice is hereby given that E. Fred Browning, Route 1, Box 18, Peck, Idaho, has filed a claim to a

water right established by diversion and application to beneficial use of 5 gallons per minute of water from a Spring, tributary to Big Canyon Creek, with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 36N, R. 1W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes, with a priority of 1936; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 36N, R. 1W, 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.

R. KEITH HIGGINSON,
Director

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

Department of Water Resources
Northern District Office

DeAnna D. Kincart, 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 20 consecutive 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 attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, once a week ² for _____ consecutive _____, the

first publication thereof being on the 10th day of March 77, A. D. 19____, and the last publication thereof being on the 17th day of March _____,

A. D. 1977, and said Right No. 85-4078 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.

DeAnna D. Kincart

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

17th day of March, 1977.

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

MICROFILMED

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

The extent and nature of said claim is as follows:

- 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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- 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. Gravity flow.

- 5-10 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]

Total No. of acres _____

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

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

WGBH-TV

Scale: 2 inches equal 1 mile.

State of Idaho)
) ss.
County of Nez Perce)

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.

Edward F. Bournay
(Claimant)

Sworn to before me this 1st day of March, 19 77

Notary Public

Residing at Lewiston, Idaho

My commission expires 5-1-79

Rec. #4925

For Department Use Only

Received by Date 3-2-77
Prelim. check by Date 3-3-77
\$10.00 fee received by cp Date 3-3-77
Approved for publication by
Published in Lewiston Morning Tribune
Dates 3-10 & 3-17-77

Exception filed by:	Forwarded to claimant by:	Date
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[illegible]

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM

NO. 85-4078

Notice is hereby given that E. Fred Browning, Route 1, Box 18, Peck, Idaho, has filed a claim to a

water right established by diversion and application to beneficial use of 5 gallons per minute of water from a Spring, tributary to Big Canyon Creek, with point of diversion in the SE 1/4 SW 1/4, Sec. 14, T. 36N, R. 1W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes, with a priority of 1936; the place of use is within the SE 1/4 SW 1/4, Sec. 14, T. 36N, R. 1W, 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.

R. KEITH HIGGINSON,
Director

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

DeAnna D. Kincart

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

first publication thereof being on the 10th day of March, A. D. 1977, and the last publication thereof being on the 17th day of March, A. D. 1977, and said Right No. 85-4078 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

17th day of March, 1977

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

85-4078✓
85-4079
85-4077

February 23, 1977

Mr. E. Fred Browning
Route 1, Box 18
Peck, ID 83545

Dear Mr. Browning:

We have taken the liberty of typing your Claims to a Water Right and we are returning them for your review and signature. We typed your claims so that they would be a more permanent record. We are also returning your Check No. 92-212 in the amount of \$30.

Please check all items on the claims carefully and if they are in order, have your signature notarized on the back of each form and return them to our office along with the required \$30 filing fee.

Feel free to contact us if there are any questions.

Very truly yours,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:CP

Enclosures

RECEIVED
FEB 24 1977

WATER RIGHT NUMBER 85-4078

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 67

ACT
ION

N OWNER LAST NAME - BROWNING
N ADDRESS LINE 1 - RT. 1 BOX 18

FIRST NAME - E. FRED

N
N SOURCE - SPRING

CITY - PECK

STATE - ID ZIP CODE - 83545

N STAGE - STATRY CLM

TRIBUTARY OF - BIG CANYON CREEK

N DIVERSION POINT - SESW 14 36N 01W

PRIORITY - 06-01-1936 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0100CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE - .0100CFS

N USE - STOCKWATER

PLACE OF USE - TWN 36N RNG 01W SEC 14 TRACT SESW

IDENT. NO. 85-4078

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Ord No.

New No.

1. Original Owner: E. Fred Browning

Present Owner: _____

2. Address: *Rt. 1 Box 18*

3. City: Leek State: 10 Zip: 83545

4. A. Source of Water: *Spring*

B. Tributary of: Big Canyon Creek

5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 6-1-1936

D. County: 69

E. Total Diversion Rate: .01

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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	2E SW	14	36N	1W		

from 1-1 to 12-31 for 5 purposes. Amount .01
(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 _____



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1
4055 N. Government Way

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

March 28, 1977

Re: Claim to a Water Right No. 85-4077
" " " " " " 85-4078
" " " " " " 85-4079

Mr. E. Fred Browning
Route 1, Box 18
Peck, ID 83545

Dear Mr. Browning:

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.

Very truly yours,

ROBERT G. HAYNES
District Supervisor

RGH:CP

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

March 3, 1977

Re: Application No. 85-7135
Claim No. 85-4077

Claim No. 85-4078
" " 85-4079

Lewiston Morning Tribune
505 C Street
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

Enc: Legal Notice(s)

Bill. 5-21-77.40

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4078

Notice is hereby given that E. Fred Browning,
Route 1, Box 18, Peck, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 5 ~~xxxxxx feet per second~~ gallons per minute
of water from a Spring, tributary to Big Canyon Creek
with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 36N, R. 1W, B.M., Nez
Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes

with a priority of 1936;
the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 36N, R. 1W, 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.

R. KEITH HIGGINSON
Director

Published in the Lewiston Morning Tribune, Lewiston, Idaho
on March 10 and March 17, 1977

