

(8) Remarks _____

Township 36N, Range 1W

14

14

PLACE OF USE

Spring

14

14

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 F. Browning
(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 _____ Date _____
claimant by: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that E. Fred Browning
(name of claimant)
of Route 1, Box 18, Peck, Idaho 83545, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring
Big Canyon Creek, tributary to,
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>5 g.p.m.</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>5 g.p.m.</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>9 g.p.m.</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>May 1</u> | To | <u>Nov. 1</u> |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or 14 gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1936

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.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 14 Twp. 36N Rge. 1W 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. Pump and pipeline will be used for irrigation.

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
36N	1W	14							X 1/2			X 1/2							1

Total No. of acres 1

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

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

MICROFILMED

Scale: 2 inches equal 1 mile.

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

Edward F. Downing
(Claimant)

Notary Public
Residing at Lewiston, Idaho

For Department Use Only

(continued)

PUBLISHER'S AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT NO. 85-4077

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 14 gallons per minute of water from a Spring tributary to Big Canyon Creek, with point of diversion in the NW $\frac{1}{4}$ 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 domestic (5 g.p.m.) and stockwatering purposes (5 g.p.m.); and from May 1 to Nov. 1 for the irrigation of one acre (9 g.p.m.) with a priority of 1936; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ 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.

DeAnna D. Kincart

Department of Army Resources
Lewiston, Idaho, 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 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 for 2 consecutive weeks, the first publication thereof being on the 10th day of March, A. D. 19 77, and the last publication thereof being on the 17th day of March, A. D. 19 77, and said Right No. 85-4077

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, 19 77.

Paul R. Keith

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 85-4077

WATER RIGHTS EDIT REPORT

12/17/79

PAGE 66

ACT
ION

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

FIRST NAME - E. FRED

N SOURCE - SPRING

CITY - PECK

STATE - ID ZIP CODE - 83545

N STAGE - STATRY CLM

TRIBUTARY OF - BIG CANYON CREEK

N DIVERSION POINT - NWSW 14 36N 01W

PRIORITY - 06-01-1936 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0300CFS

N FROM - 05-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .0200CFS

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

USE DIV. RATE - .0100CFS

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

USE DIV. RATE - .0100CFS

N USE - IRRIGATION

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

AC 01 TRACT NWSW

AC 01

N REMARKS - AC. IRR.=1.

14275 JUL-2

Moore Business Forms, Inc. 57

IDENT. NO. 85-4077

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]

- DATA ENTRY -

Record

Present Owner:

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: .03
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</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion						

from 5-1 to 11-1 for A purposes. Amount .02
(cfs or AC-FT/yr)

from 1-1 to 12-31 for S purposes. Amount .01

from 1-1 to 12-31 for D purposes. Amount .01

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. $P_c \text{ corr} = 1$.
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 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

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higgsom
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. 85-4078
 Claim No. 85-4077 " " 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)

MICROFILMED

Bill: 3-21-77-4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4077

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 14 ~~xxxxxxx per second~~ gallons per minute
of water from a Spring, tributary to Big Canyon Creek
with point of diversion in the NW¹SW⁴, 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 domestic
(5 g.p.m.) and stockwatering purposes (5 g.p.m.); and from May 1 to Nov. 1
for the irrigation of one acre (9 g.p.m.)
with a priority of 1936;
the place of use is within the SW¹NW⁴, NW¹SW⁴, 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

RECEIVED

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 185-4077

Notice is hereby given that E. Fred Browning, Home, 1, Box 16, Peck, Idaho, has filed a claim to a water right established by his discovery and application to beneficial use of 14 gallons per minute of water from a spring tributary to the Coeur d'Alene River, with point of diversion on the NW 1/4 SW 1/4, Sec. 14, T. 36N., R. 14W., B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes (5 g.p.m.) and from May 1 to Nov. 1 for the irrigation of one acre (9 g.p.m.) with a priority of 1936, the place of use is within the SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 14, T. 36N., R. 14W., 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

O.K.
3-10-77
CP