

# PUBLISHER'S AFFIDAVIT OF PUBLICATION

MAR 12 1976

Department of Water Resources  
Northern District Office

## NOTICE OF CLAIM TO A WATER RIGHT

No. 85-4067

Notice is hereby given that Clarence and Alberta Wilfong, Box 109, Peck, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 50,000 gallons per year of water from Springs, tributary to Canyon Creek with point of diversion in Sec. 11, T. 36N, R. 1W, B.M., Nez Perce County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of September 1, 1962; the place of use is within Sec. 11, T. 36N, R. 1W, B.M. (Lots 1 through 10, Block 17, City of Peck).

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 4 and March 11, 1976.

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

Charles R. Koethke, being duly sworn

deposes and says, I am the Classified Manager 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 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 4th day of March, A. D. 19 76, and the last publica-

tion thereof being on the 11th day of March, A. D. 19 76, and said Notice of Claim to

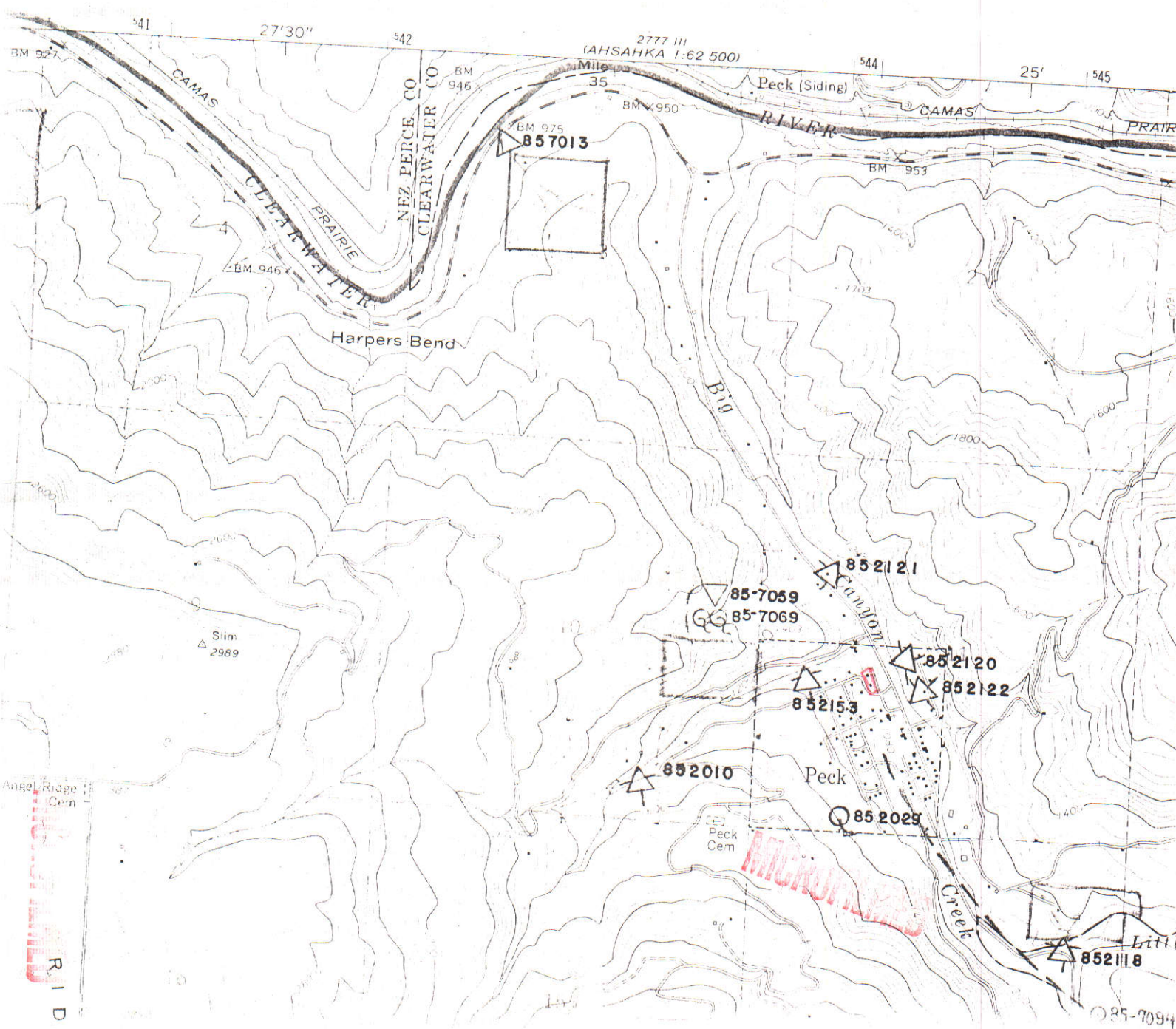
was so published in the regular and entire issue of the said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Charles R. Koethke

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

11th day of March, 19 76.

Norman W. Rich 8-28-76  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein.



## 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 CLARENCE ALBERTA L. WILFONG & WIFE (name of claimant)  
of Box 109 - PECK, IDA. 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) Springs  
on Lots 1 - through 10 - Block 17 tributary to, Canyon Creek
- (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>50,000</u> | Use <u>DOM</u>                | Period of Use: From <u>JAN-1</u> To <u>Dec 31</u> |
| Amount _____         | Use _____                     | Period of Use: From _____ To _____                |
| Amount _____         | Use _____                     | Period of Use: From _____ To _____                |
| (cfs, gpm<br>or a/f) | (dom., irri.,<br>stock, etc.) | (both dates inclusive)                            |

- (3) Total quantity of water claimed: \_\_\_\_\_ cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or 50,000 Per year gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) SEPT-1-1962

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)  
NE 1/4 SW 1/4, Sec. 11 Twp. 36 N Rge. 1-W B. M. County of NESPERCE  
 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. RESERVOIR - 5 1/2' X 5 1/2' X 6'  
HIGH, HOLDS ABOUT 900 - GALLONS OF WATER

- (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]

LOTS - 1 - THRU - 10 - BLOCK - 17 - CITY OF PECK

Total No. of acres 10 - LOTS

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

- (7) If you are claiming water as a member of an organization, list name of organization: NONE

[illegible]

| Exception filed by: | Forwarded to<br>claimant by: | Date  |
|---------------------|------------------------------|-------|
| _____               | _____                        | _____ |
| _____               | _____                        | _____ |
| _____               | _____                        | _____ |



ACT  
ION

N OWNER LAST NAME - WILFONG

FIRST NAME - CLARENCE

N OWNER LAST NAME - WILFONG

FIRST NAME - ALBERTA L.

N ADDRESS LINE 1 - P.O. BOX 109

CITY - PECK

STATE - ID ZIP CODE - 83545

N SOURCE - SPRING

TRIBUTARY OF - CANYON CREEK

N STAGE - STATRY CLM

PRIORITY - 09-01-1962 COUNTY - NEZ PERCE TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - NESW 11 36N 01W

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

USE DIV. RATE - .0200CFS

N USE - DOMESTIC

PLACE OF USE - TWN 36N RNG 01W SEC 11 TRACT NESW

N REMARKS - P/U IN LOTS 1-10, BLK. 17, CITY OF PECK.

IDENT. NO. 85-4067

WATER RIGHT  
DATA ENTRY LOG[illegible]

## WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 185-4067  
OTd No. \_\_\_\_\_ New No. \_\_\_\_\_

## Record

1. Original Owner: Clarence & Alberta L. Wilfong

Present Owner: \_\_\_\_\_

2. Address: P.O. Box 1093. City: Peck State: ID Zip: 835454. A. Source of Water: spring  
B. Tributary of: Canyon Creek5. 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: 9-1-1962D. County: 69E. Total Diversion Rate: HA .02

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<br>Lot | Rediv. |
|--------------------------|-------------|-----------|------------|-----------|--------------|--------|
| 6. A. Point of Diversion | <u>NESW</u> | <u>11</u> | <u>36N</u> | <u>1W</u> |              |        |
|                          |             |           |            |           |              |        |
|                          |             |           |            |           |              |        |
|                          |             |           |            |           |              |        |
|                          |             |           |            |           |              |        |

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

from 1-1 to 12-31 for D purposes. Amount .02  
(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: 10

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Plk in lots 1-10, BLK. 12, City of Peck.*  
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):

April - 1 - 76

Dear Sir

in answer to your letter of Mar-26.  
and the map of Peck.

- 1) I have marked in red where my property is, also this is where the water comes out of the Ground and also is used on this same property Lots 1 through 10 - Block 17 - City of Peck
  - 2) there are no Families using this water other than my self and wife.
  - 3) the rate of flow from the Springs is 2,000 Gallons of water every 24 hours
- if I can be of any more information  
please let me know

Resp

RECEIVED

Box 109

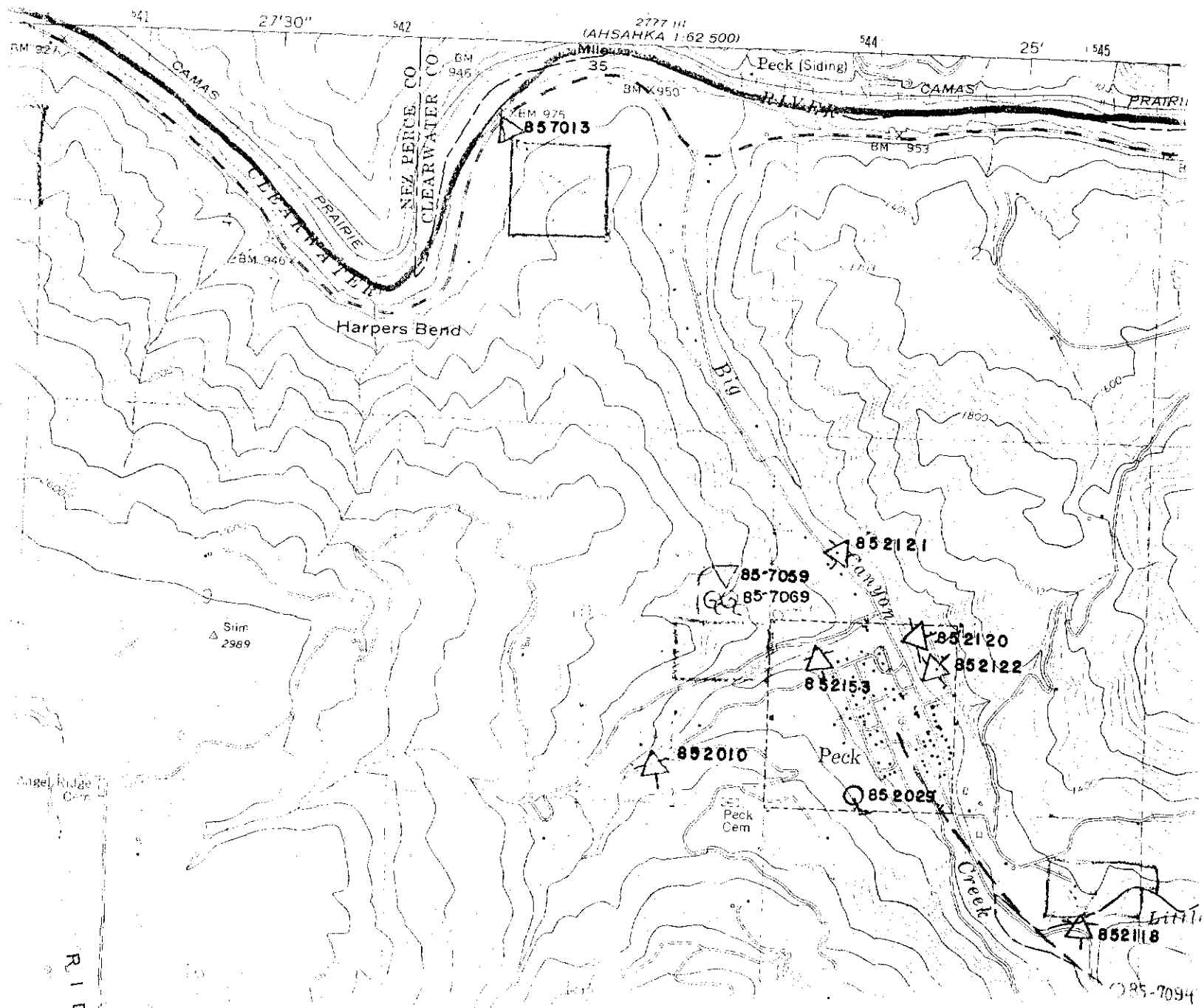
Clarence Wilfong

Peck Ida

83545

APR 5 1976

Department of Water Resources





# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse  
Boise, Idaho 83720  
(208) 384-2215

March 26, 1976

Mr. & Mrs. Clarence Wilfong  
Box 109  
Peck, ID 83545

Dear Mr. and Mrs. Wilfong:

In regard to your "Claim to a Water Right" #85-4067, we have a few questions. Although your claim is valid, it is not as explicit in some areas as it could be. In order to protect and maintain the right that you have developed, could you please provide us with the following data;

- 1) Indicate on the attached map the place of use of the water.
- 2) How many families are served by the water.
- 3) What rate of flow is diverted from the springs.

Keep in mind that this information is not necessary in filing the claim, but may help you in protecting your right.

Sincerely,

*David R. Tuthill Jr.*

DAVID R. TUTHILL, JR.  
Water Resource Analyst

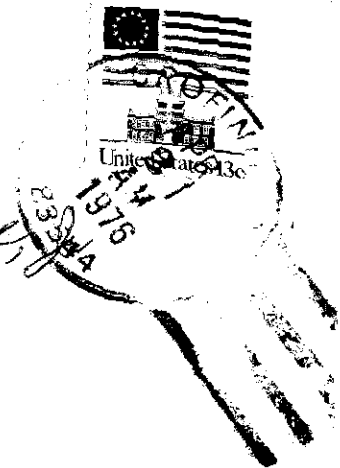
DRT:mef

Enclosure

Clarence Hilfong  
Box 109  
Peck, Idaho  
83545

State Of Idaho % David R. Tutthill,  
Department Of Water Resources  
Statehouse,  
Boise, Idaho

83720





# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus  
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Statehouse  
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March 26, 1976

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- 1) Indicate on the attached map the place of use of the water.
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Keep in mind that this information is not necessary in filing the claim, but may help you in protecting your right.

Sincerely,

*David R. Tuthill Jr.*

DAVID R. TUTHILL, JR.  
Water Resource Analyst

DRT:mef

Enclosure



# 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 23, 1976

Re: Claim to a Water Right No. 85-4067

Clarence and Alberta L. Wilfong  
Box 109  
Peck, ID 83545

Dear Mr. and Mrs. Wilfong:

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

COEUR D'ALENE, IDAHO 83814

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1

4055 Government Way

(208) 667-6484

February 27, 1976

Re: Claim No. 84-4023 - Lloyd H. Kern  
" " 85-4067 - Clarence and Alberta Wilfong

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  
District Supervisor

RGH:CP

Enc: Legal Notice(s)

Bill: 3-10-76. cp

# THE *Tribune* PUBLISHING CO.

Producers of Printing of Distinction

5th &amp; C Sts.

Lewiston, Idaho 83501

Phone 743-9411

RECEIVED

Sold to

MAR 12 1976

State of Idaho  
Department of Water Resources  
Water Resources - Boise 1  
4015 Lawrence St. N.  
Boise, Idaho 83721

Department of Water Resources  
Northern District Office

Date March 11, 1976

| Requisition No. | Job No. | Quantity | DESCRIPTION                                                                                           | Amount |
|-----------------|---------|----------|-------------------------------------------------------------------------------------------------------|--------|
|                 |         |          | <p>100 copies of Idaho<br/>Billings 7 times 37¢</p>                                                   | 37.00  |
|                 |         |          | <p>THANK YOU FOR YOUR PATRONAGE</p> <p>Check Your Order Carefully and Call Us If Not Satisfactory</p> |        |

NOTICE: This is an Invoice of Purchase made by you. Statement will be rendered the first of month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by Number Only

NOTICE OF CLAIM TO A WATER RIGHT

NO. 85-4067

Notice is hereby given that Clarence and Alberta Wilfong,  
Box 109, Peck, Idaho  
have  
~~has~~ filed a claim to a water right established by diversion and application  
gallons per year  
to beneficial use of 50,000 / ~~and 100 feet per second~~ ~~gallons per minute~~  
of water from Springs, tributary to Canyon Creek  
with point of diversion in ~~the~~ Sec. 11, T. 36N, R. 1W, B.M., Nez Perce County

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

with a priority of September 1, 1962 ;  
the place of use is within ~~the~~ Sec. 11, T. 36N, R. 1W, B.M. (Lots 1 through  
10, Block 17, City of Peck)

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 4 and March 11, 1976

**NOTICE OF CLAIM TO A  
WATER RIGHT**

Notice is hereby given that Clarence and Alberta Wilfong, Box 109, Peck, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 50,000 gallons per year of water from springs, tributary to the Snake River with point of diversion in Sec. 11, T.

36N, R. 1W, B.M. near Peck, Blaine County.

The water is intended to be used from July 1 to Dec. 31 for domestic purposes with a priority of September 1, 1962; the place of use is within Sec. 11, T. 36N, R. 1W, B.M. (Lots 1 through 10, Block 17, City of Peck).

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 6 and March 11, 1962.

O.K.  
35-76  
J

4055 Government Way - Suite #1

(208) 667-6484

February 27, 1976

Re: Claim to a Water Right No. 85-4067

Clarence and Alberta L. Wilfong  
Box 109  
Peck, ID 83545

Dear Mr. and Mrs. Wilfong:

Attached is your receipt No. 3932 in the amount of \$10 for the filing fee  
on the above referenced claim which was received in this office.

Very truly yours,

Corda M. Patterson  
Secretary

CP

Attachment

ENCLOSURE

4055 Government Way - Suite #1

(208) 667-6484

January 28, 1976

Mr. Clarence Wilfong  
Box 109  
Peck, ID 83545

Dear Mr. Wilfong:

Pursuant to your letter of January 26, 1976, you would not be required to file either form mentioned in our previous letter; however, if you wish to record your water right, you may complete the enclosed "Claim to a Water Right" form and return it to our office.

Should you decide to file the Claim, a \$10 filing fee must be submitted with the form. Please contact us if there are any questions.

Very truly yours,

ROBERT G. HAYNES, P.E.  
District Supervisor

RGH:CP

Enclosure

RECEIVED

JAN 27 1976

January 26, 1976

Dear Sir: Department of Water Resources  
Northern District Office

In regard to a "Water Application For Permit" or "Claim To Water Rights":

I don't know which I need or do I need any. The water that I use and have been using since 1963 is located on my property, and is not diverted to any other property.

It is Spring water that comes out of the ground and what is not used sinks back into the ground on the same property. I use this water for Irrigation and Domestic use on my property.

Description of water is:

Lots 1 through 10 - Block 17  
Village of Peck - Range 1 - West  
Township - 36 North Section 11.

Please inform me

Yours truly,  
Clarence Hilborn

Box 109  
Peck Idaho 83545



Application & INST. SENT 1/19/76

# STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
NORTHERN DISTRICT

4055 Government Way - Suite #1

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

January 12, 1976

RECEIVED

JAN 19 1976

Mr. Clarence Wilfong  
Box 109  
Peck, ID 83545

Department of Water Resources  
Northern District Office

Dear Mr. Wilfong:

An Application for Permit must be filed to develop a legal water right on any water diverted from a ground water source after March 25, 1963 (excepting a well drilled for a single household). Any surface water diverted after May 20, 1971, must also be preceded by an approved permit from our Department. The above includes proposed new systems and enlargements of existing systems for development of larger quantities of water (Section 42-201 through Section 42-229, Idaho Code).

Existing water rights developed through diversion and application of water to a beneficial use prior to the above dates, may be recorded by filing a Claim to a Water Right with our Department; however, it is not mandatory to do so (Section 42-225b, Idaho Code).

Please let us know which form is necessary for your use, the Application for Permit form or the Claim to a Water Right form, and we will forward it to you. Feel free to contact us if we may be of any further assistance.

Very truly yours,

*Robert G. Haynes*

ROBERT G. HAYNES, P.E.  
District Supervisor

RGH:CP

*Please send me the permit Forms for Section*

*42-201 through Section 42-229*

*Thank You - Clarence Wilfong*

*Box 109 - Peck Idaho 83545*

4055 Government Way - Suite #1

(208) 667-6484

January 12, 1976

Mr. Clarence Wilfong  
Box 109  
Peck, ID 83545

Dear Mr. Wilfong:

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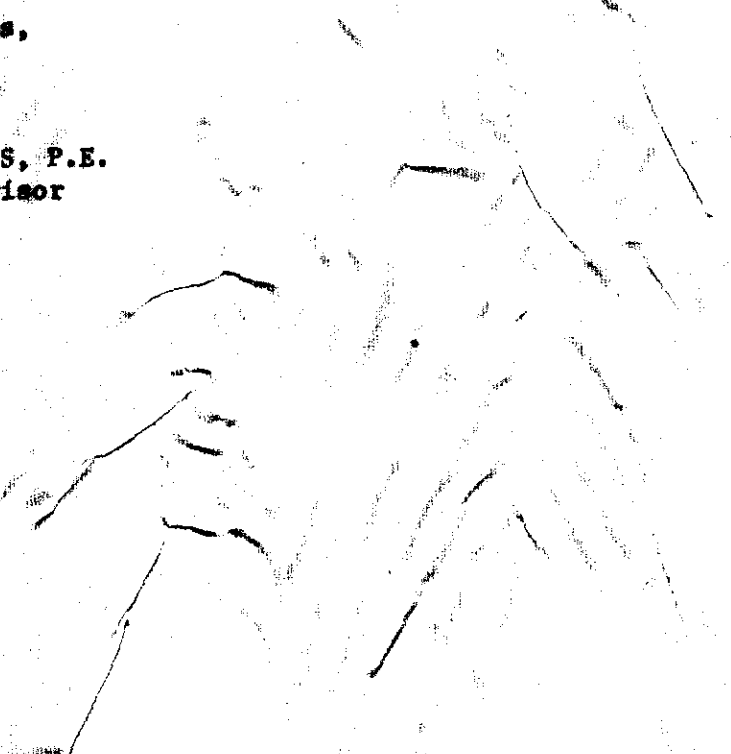
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Very truly yours,

ROBERT G. HAYNES, P.E.  
District Supervisor

RGH:CP



RECEIVED

JAN 9 1976

January 6, 1976.

Department of Water Resources  
Northern District Office

Attention Mr. Kenneth Knoblock:

Please send me the necessary papers  
and material I may need to file  
a Water Rights on my property, which  
is located in Nez Perce County, Reck, Idaho.

Thank you,

Clarence Wilfong

Bd 109

Reck, Idaho 83545

Phone # - 486-7041