

[illegible]

T32N R4EBM

State of Idaho)
) ss.
County of Lewis)

Sworn to before me

Gilbert Wettstein
(Claimant)
March, 1976.

Residing at Lamiah Haher

My commission expires

Rec. #3957

Received by SLD Date 3-29-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SLD Date _____ claimant by: _____
\$10.00 fee received by cp Date 3-30-76
Approved for publication by SLD _____
Published in Cottonwood Chronicle/ID.Cty. Free Press _____
Dates 4-7 & 4-14-76 _____

RECEIVED

APR 16 1976

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATERRIGHT

NO. 82-4027

Notice is hereby given that Gilbert and/or Edna Wetstein, Stites, Idaho have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943 the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, 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 Idaho
County Free Press,
Grangeville, Idaho on April
7 and April 14, 1976

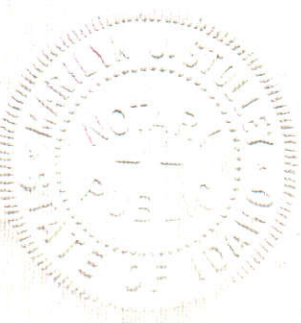
A-7-14

..... Karen Clement being first duly
sworn, says he is the Office Manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 7th day of April 197⁶.....,
and the last publication on the 14th day of
..... April 197⁶.....; and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Karen Clement

Subscribed and sworn to before me this 14th day
of April 197⁶.....

Marilyn J. Stalley Notary Public
for State of Idaho, residing at Grangeville, Idaho.



**NOTICE OF CLAIM TO A
WATERRIGHT**

NO. 82-4027

Notice is hereby given that Gilbert and/or Edna Wettstein, Stites, Idaho have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County.

This water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943 the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M.

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R. KEITH HIGGINSON
Director

Published in the Idaho
County Free Press,
Grangeville, Idaho on April
7 and April 14, 1976

A-7-14

**NOTICE OF CLAIM
TO A WATER RIGHT**

Notice is hereby given that Gilbert &-or Edna Wettstein, Stites, Idaho have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, 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 Cottonwood Chronicle, Cottonwood, Idaho on April 8 and April 15, 1976.

Feb 14-1977

RECEIVED

State of Idaho
Department of Water Resources

February 22 1977
Department of Water Resources

The protest received by you to the water right filed by Gilbert Mettstein and Edna Mettstein No 82-4027

This protest filed by Charles B. Starkey and Mary E. Starkey is false in every statement that was made even the description of a portion of land, and is perjury.

Would like to have this statement kept with our claim to a water right No 82-4027. If at any time attempt is made to claim this water right, legal or illegal, that we be notified at once.

Starkeys claim to a water right No 82-4023 is also false, and is perjury

Gilbert Mettstein
Star Route
Stiles, Idaho
83552

MICROFILMED

RECEIVED

FEB 16 1977

Department of Water Resources
Northern District Office

Explanation

The county commissioners have been trying to get this road case settled for several years, but the Prosecuting Attorney has been harboring and protecting Storkers for years, even several criminal charges. He has never brought them into court. Many complaints have been filed against them, breaking and entering, stealing a new water system from a neighbor, threatening others with a gun on their own property, filling a creek bed to divert water on public and private property, destruction of several thousand dollars worth of property.

I don't know if this road case will ever be settled, because we have all to gain, as this road is all on our deeded property. I have had a member of the criminal justice division to check into this mess created by Storkers. He said it was the Prosecuting Attorney's duty to prosecute them, but has refused to do so.

MICROFILMED

RECEIVED

FEB 16 1977

CLAIM TO A WATER RIGHT

Notice is hereby given that Gilbert and/or Edna Wettstein
(name of claimant)

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|--------------|----|------------------------|
| Amount | <u>1 gpm</u> | Use | <u>domestic</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
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- 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. small reservoir (3x3x1) at point of diversion and gravity flow through roughly 1/4 mile of plastic pipe to two 6 1/2 x 6 1/2 x 6' reservoirs

- [illegible]

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: domestic household and some livestock and garden area

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

A large grid of graph paper. The grid consists of 10 columns and 10 rows. The lines are a combination of solid and dashed. In the bottom-left corner, there is handwritten text: "X 1000 use" and "25".

T32N R4EBM

Received by SLD Date 3-29-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SLD Date _____ claimant by: _____
\$10.00 fee received by cp Date 3-30-76
Approved for publication by SLD _____
Published in Cottonwood Chronicle/ID.Cty. Free Press _____
Dates 4-7 & 4-14-76 _____

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 8 day of April, 1976, and the last publication on the 15 day of April, 1976; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 28th day of April, 1976.

J. S. Miller, Notary Public,

for the State of Idaho, residing at Cottonwood, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Gilbert &-or Edna Wettstein, Stites, Idaho have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with ~~point of diversion~~ in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, 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 Cottonwood Chronicle, Cottonwood, Idaho on April 8 and April 15, 1976.

RECEIVED

APR 16 1976

Department of Water Resources
Northern District Office

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Gilbert and Sons, Wet-tato, Idaho, have filed a claim for a water right established by priority and application to the use of one gallon per minute of water from a well which flows into Anderson Creek tributary to S. R. Clear-water with a diversion in the SE 1/4 Sec. 28, T. 32N, R. 15E, M., Idaho County.

The water is claimed to be used from the well Sec. 31 for domestic use with a priority of 1976. Date of use is within the time of use in the SE 1/4 Sec. 28, T. 32N, R. 15E, M.

Any person who claims to this claim of water right may be filed with the Idaho Department of Water Resources, and Government Water Resources, Idaho, and

W. K. MCGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho, on April 7 and April 14, 1976.

A-7-14

Karen Clement being first duly sworn, says he is the Office Manager of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of April, 1976, and the last publication on the 14th day of April, 1976; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Karen Clement

Subscribed and sworn to before me this 14th day of April, 1976.

Marilyn J. Stalley, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

ACT
ION

N OWNER LAST NAME - WETTSTEIN

FIRST NAME - GILBERT

N OWNER LAST NAME - WETTSTEIN

FIRST NAME - EDNA

N SOURCE - SPRING

CITY - STITES

STATE - ID ZIP CODE - 83552

TRIBUTARY OF - ANDERSON CREEK

N STAGE - STATRY CLM

PRIORITY - 06-01-1943 COUNTY - IDAHO

TOTAL DIV. RATE - .0100CFS

N DIVERSION POINT - SESW 28 32N 04E

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

USE DIV. RATE - .0100CFS

N USE - DOMESTIC

PLACE OF USE - TWN 32N RNG 04E SEC 28 TRACT NWSW

AC 02

N REMARKS - AC. IRR.=1.5.

IDENT. NO. 82-4027

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 82-4027
Old No. New No.

Record

1. Original Owner: Gilbert & Edna Wettstein

Present Owner: _____

2. Address:

3. City: Stites State: ID Zip: 835524. A. Source of Water: Anderson Creek springB. Tributary of: Anderson Creek5. A. Stage (A,P,L,D,S,J): J

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

C. Priority Date: 6-1-1943D. County: 49E. 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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SESW</u>	<u>28</u>	<u>32N</u>	<u>4E</u>		

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

from 1-1 to 12-31 for D 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 _____

8. Use Code: **D**

pp 2179

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	
32N	4E	28										2							2

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. in. = 1.5.*
 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):

File

June 4, 1976

Re: Claim to a Water Right No. 82-4027

Gilbert and Edna Wettstein
Stites
Idaho 83552

Dear Mr. and Mrs. Wettstein:

In reference to the above claim, the enclosed is a copy of an exception filed by Charles and Mary Starkey in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact our office.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH: CP

Enclosure

MICROFILMED

June 4, 1976

Re: Claim to a Water Right No. 82-4027 - Gilbert and Edna Wettstein

Mr. Manderson L. Miles
KNOWLTON AND MILES
312 Seventeenth Street
Lewiston, ID 83501

Dear Mr. Miles:

We have received your correspondence concerning the above referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

In the affidavit of exception, you requested a denial of Claim to a Water Right No. 82-4027 and a decree that Charles and Mary Starkey are owners of the Spring. We are not authorized to do either. A claim is simply a person's sworn statement of an existing water right, and the Department of Water Resources acts as the recording agency for that claim. The only method of obtaining a decreed water right is through an adjudication procedure authorized by District Court.

MICROFILMED

Page 2

Re: Claim No. 82-4027

Mr. Manderson L. Miles

June 4, 1976

We are notifying Mr. and Mrs. Starkey by copy of this letter what action has been taken in this matter.

If there are any questions, or if we may be of any further assistance, please do not hesitate to contact our office.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

cc: Charles B. and Mary E. Starkey

bcc: IDWR - Boise

MICROFILMED

Law Offices
OF
KNOWLTON AND MILES

312 SEVENTEENTH STREET
LEWISTON, IDAHO 83501

AREA CODE 208
743-7211

OWEN L. KNOWLTON

MANDERSON L. MILES

April 16, 1976

RECEIVED

JUN 1 1976

Department of Water Resources
Northern District Office

Mr. R. Keith Higginson, Director
Idaho Department of Water Resources
4055 Government Way
Coeur d' Alene, Idaho

Dear Mr. Higginson:

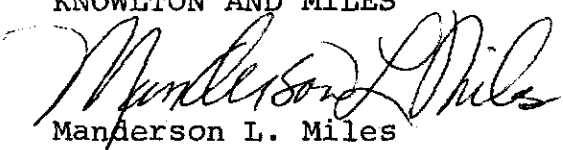
Re: Exception to Claim To Water Right
No. 82-4027

Enclosed is an Exception To Claim To Water
Right in the above matter.

Please forward all correspondence and information
concerning this matter to this office directly.

Yours very truly,

KNOWLTON AND MILES


Manderson L. Miles

MLM:ca

RECEIVED

Manderson L. Miles
KNOWLTON AND MILES
312 - 17th Street
Lewiston, Idaho 83501
Telephone: 743-7211

RECEIVED

JUN 1 1976

Department of Water Resources
Northern District Office

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE	)	No. 82-4027
CLAIM OF GILBERT AND/OR	)	
EDNA WETTSTEIN TO A	)	EXCEPTION TO CLAIM TO
WATER RIGHT.	)	WATER RIGHT

Comes now Charles B. Starkey and Mary E. Starkey, his wife, hereinafter referred to as Protesters, and make exception to the foregoing claim, and in support of said exception, state as follows:

I

That Charles B. Starkey and Mary E. Starkey, his wife, are the owners of certain property located in the county of Idaho, State of Idaho, and described as follows, to wit:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and that part North of Anderson Canyon Creek of the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and that part North of Anderson Canyon Creek of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) all in Section Twenty-eight (28), Township Thirty-two (32) North, Range Four (4) E.B.M., according to the United States Survey thereof, and also as determined by the boundaries of the fraction north of Anderson Canyon Creek. Also, the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-eight (28); and the East Half of the Southeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-nine (29); all in Township Thirty-two (32) North, Range Four (4) E.B.M.

That the said real property heretofore described as owned by protesters is adjacent to the spring and borders on Anderson Creek into which the spring flows, such spring described in the Claim to Water Right filed by the claimants herein, said spring being situate in the county of Idaho, State of Idaho,

EXCEPTION TO CLAIM TO
WATER RIGHT

RECORDED

on the following described real property, to wit:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 32 North, Range 4 East, Boise Meridian, Idaho County.

II

That the point of diversion of claimant is on property owned by George Tinker and Jane Doe Tinker, his wife, and not on property owned or controlled by claimant.

III

That the use of water by the claimants and their successors in interest has not been continuous from the claim priority date of 1943.

IV

That the use of the water claimed by the said claimants is not for domestic purposes and has not been used for domestic purposes.

V

That the water from said spring has been and is now being used by protesters and their successors in interest since 1916 and that the water from the said spring has been used continuously for 60 years; a prior water claim number 82-4023 has been granted to protesters for use of water from the spring now claimed by claimants.

VI

That the diversion system of claimants trespasses and encroaches upon the land of the protesters and such trespass is unlawful and illegal and such diversion system is unlawful and illegal.

VII

That the right to the water in the spring located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 32 North, Range 4 West, Boise Meridian, Idaho County, is presently the subject of a law suit entitled "Idaho County vs. Charles B. Starkey, Jr.

and Mary E. Starkey, Husband and Wife, Gilbert Wettstein and Edna M. Wettstein, Husband and Wife, Martin Nuxoll, Administrator of the Estate of Arthur Martzen; Berry I. Barnes, and Ruby E. Barnes, Husband and Wife, George Tinker and Jane Doe Tinker, husband and Wife, or the Creditors of the Above Named Parties or Hereinafter Named Parties, or Creditors of the Estate or Heirs of the Estate of the Above Named Parties, or Hereinafter Named Parties, the Unknown Heirs and Unknown Devisees or Legatees or any of the Foregoing or Hereinafter Named Defendants, Who May be Deceased; the Unknown Heirs, Claimants or Parties in Interest of, in or to any of the Following Described Real Property Situated in the County of Idaho, State of Idaho, Particularly Described as Follows, to-wit: That certain Public Wagon Road Easement; in Idaho County, State of Idaho, Located South of Stites, Idaho County, Idaho, and Traversing in Part that Ravine Known as 'Anderson Canyon,' more Particularly Described as Follows: (See Schedule "A", Attached hereto, the words and figures of which are incorporated herein by reference.)" case number 11079, in the District Court of the Second Judicial District of the State of Idaho, in and for the county of Idaho.

WHEREFORE, protesters pray as follows:

ONE: For a denial of a Claim to Water Right with prejudice against the claimants herein.

TWO: For a decree that protesters herein are owners of the water right to the spring located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 32 North, Range 4 East, Boise Meridian, Idaho County.

THREE: For notice to protesters of any and all further action in the matter.

KNOWLTON AND MILES
ATTORNEYS FOR PROTESTERS

BY

Anderson L. Miles
MANDERSON L. MILES

EXCEPTION TO CLAIM TO
WATER RIGHT

STATE OF IDAHO,)
 : SS.
COUNTY OF NEZ PERCE.)

CHARLES B. STARKEY and MARY E. STARKEY, being first
duly sworn upon oath, depose and say:

That they are the protesters in the foregoing matter,
that they have read the Exception To Claim To Water Right,
know the contents thereof, and the same are true as they
verily believe.

Charles B. Starkey
CHARLES B. STARKEY

Mary E. Starkey
MARY E. STARKEY

SUBSCRIBED and SWORN to before me this 26th day
of April 1976.

(SEAL)

Manderson L. Miles
NOTARY PUBLIC for Idaho, Residing
at Lewiston therein.

EXCEPTION TO CLAIM TO
WATER RIGHT

SCHEDULE "A"

DESCRIPTION OF ROAD AND EASEMENT:

Beginning at a point 1.25 chains South of the 1/4 Section Corner on the North side of Section 33, Township 32 North, Range 4 East, B.M., Idaho County, Idaho, and running thence North 63°30' West 4 chains, thence North 14° West 2 chains, thence North 2°30' West 5.50 chains, thence North 33° West 8 chains, thence North 50° West 2 chains, thence North 19° West 2.40 chains, thence North 8° West 2 chains, thence North 36.30 West 2.75 chains, thence North 29°30' East 1.70 chains, thence North 54° West 1.40 chains, thence North 7° East 1.50 chains, thence North 44°30' West 6.50 chains, thence North 54° West 1.50 chains, thence North 57°30' West 2 chains, thence North 61° West 5.50 chains, thence North 12° 30' West 1.75 chains, thence North 1 chain, thence North 67° West 1 chain, thence West on Subdivision Line 14.20 chains to County Road at which point said road ends. Said road is .9 of a mile in length and 25 feet in width.

* * * *

Manderson L. Miles
KNOWLTON AND MILES
312 - 17th Street
Lewiston, Idaho 83501
Telephone: 743-7211

RECEIVED

JUN 1 1976

Department of Water Resources
Northern District Office

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE	)	No. 82-4027
CLAIM OF GILBERT AND/OR	)	
EDNA WETTSTEIN TO A	)	EXCEPTION TO CLAIM TO
WATER RIGHT.	)	WATER RIGHT

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That the said real property heretofore described as owned by protesters is adjacent to the spring and borders on Anderson Creek into which the spring flows, such spring described in the Claim to Water Right filed by the claimants herein, said spring being situate in the county of Idaho, State of Idaho,

EXCEPTION TO CLAIM TO
WATER RIGHT

-1-

EXCEPTION TO CLAIM TO
WATER RIGHT

-2-

EXCEPTION TO CLAIM TO
WATER RIGHT

MANDERSON L. MILES

-3-

MICROFILMED

FILMED

SCHEDULE "A"

DESCRIPTION OF ROAD AND EASEMENT:

Beginning at a point 1.25 chains South of the 1/4 Section Corner on the North side of Section 33, Township 32 North, Range 4 East, B.M., Idaho County, Idaho, and running thence North 63°30' West 4 chains, thence North 14° West 2 chains, thence North 2°30' West 5.50 chains, thence North 33° West 8 chains, thence North 50° West 2 chains, thence North 19° West 2.40 chains, thence North 8° West 2 chains, thence North 36.30 West 2.75 chains, thence North 29°30' East 1.70 chains, thence North 54° West 1.40 chains, thence North 7° East 1.50 chains, thence North 44°30' West 6.50 chains, thence North 54° West 1.50 chains, thence North 57°30' West 2 chains, thence North 61° West 5.50 chains, thence North 12° 30' West 1.75 chains, thence North 1 chain, thence North 67° West 1 chain, thence West on Subdivision Line 14.20 chains to County Road at which point said road ends. Said road is .9 of a mile in length and 25 feet in width.

* * * *

STATE OF IDAHO,)
 : ss.
COUNTY OF NEZ PERCE.)

CHARLES B. STARKEY and MARY E. STARKEY, being first
duly sworn upon oath, depose and say:

That they are the protesters in the foregoing matter,
that they have read the Exception To Claim To Water Right,
know the contents thereof, and the same are true as they
verily believe.

Charles B. Starkey
CHARLES B. STARKEY

Mary E. Starkey
MARY E. STARKEY

SUBSCRIBED and SWORN to before me this 16 day
of April 1976.

(SEAL)

Is Mauderson L. Miles
NOTARY PUBLIC for Idaho, Residing
at Lewiston therein.

EXCEPTION TO CLAIM TO
WATER RIGHT



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Route 5, Box 203 - Suite #1

4055 N. Government Way

COBUR D' ALENE, IDAHO 83814

(208) 667-6484

May 10, 1976

Re: Claim to a Water Right No. 82-4027

Gilbert &/or Edna Wettstein
Stites
Idaho 83552

Dear Mr. and Mrs. Wettstein:

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

Re: Claim to a Water Right No. 82-4027
Application for Permit No. 82-7047

Dear Mr. Wattstein:

Very truly yours,

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 2, 1976

Re: Application No. 82-7047 - Gilbert &/or Edna Wettstein
Claim No. 82-4027 - " " " "

Cottonwood Chronicle
Box 157
Cottonwood, ID 83522

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,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill 82-5-5-76-45



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

April 2, 1976

Re: Application No. 82-7047
" " 85-7121

Claim No. 82-4027
" " 82-4028

Idaho County Free Press
Box 267
Grangeville, ID 83530

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: 4-19-76-4



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

May 10, 1976

Re: Claim to a Water Right No. 82-4027

Gilbert &/or Edna Wettstein
Stites
Idaho 83552

Dear Mr. and Mrs. Wettstein:

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

April 5, 1976

Re: Claim to a Water Right No. 82-4027
Application for Permit No. 82-7047

Mr. Gilbert Wettstein
Stites
Idaho 83552

Dear Mr. Wettstein:

Attached is your receipt No. 3957 in the amount of \$20 for the filing fees on the above referenced items which were received in this office.

Very truly yours,

Corda M. Patterson
Secretary

CP

Attachment

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higinson
Director

Room 209
401 Front Avenue
Coeur d'Alene, Idaho 83814
(208) 667-6484

April 2, 1976

Re: Application No. 82-7047 - Gilbert &/or Edna Wettstein
Claim No. 82-4027 - " " " "

Cottonwood Chronicle
Box 157
Cottonwood, ID 83522

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,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill: 82-5-5-76 up



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

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

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

April 2, 1976

Re: Application No. 82-7047
" " 85-7121

Claim No. 82-4027
" " 82-4028

Idaho County Free Press
Box 267
Grangeville, ID 83530

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: 4-19-76-4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 82-4027

Notice is hereby given that Gilbert &/or Edna Wettstein,
Stites, Idaho
have
~~was~~ filed a claim to a water right established by diversion and application
to beneficial use of one ~~cubic foot per second~~ gallons per minute
of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater
with point of diversion in the SE 1/4, Sec. 28, T. 32N, R. 4E, B.M., Idaho
County

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

with a priority of 1943 ;
the place of use is within the NW 1/4, Sec. 28, T. 32N, R. 4E, 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 Cottonwood Chronicle, Cottonwood, Idaho and
Idaho County Free Press, Grangeville, Idaho
on April 7 and April 14, 1976

**NOTICE OF CLAIM TO A
WATER RIGHT**

NO. 82-4027

Notice is hereby given that Gilbert &-or Edna Wettstein, Stites, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N., R. 4E., B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N., R. 4E., 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 Idaho
County Free Press,
Grangeville, Idaho, on April
7 and April 14, 1976

A-7-14

**NOTICE OF CLAIM
TO A WATER RIGHT**

Notice is hereby given that Gilbert &-or Edna Wettstein, Stites, Idaho have filed a claim to a water right established by diversion and application to beneficial use of one gallon per minute of water from a Spring which flows into Anderson Creek, tributary to S. Fk. Clearwater with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N., R. 4E., B.M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1943; the place of use is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 32N., R. 4E., 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 Cottonwood Chronicle, Cottonwood, Idaho on April 8 and April 15, 1976.



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 31, 1976

Mr. Michael P. Wasko
RAPAICH & KNUTSON
Knutson Building
Nez Perce, ID 83543

Dear Mr. Wasko:

We received the Application for Permit and the Claim to a Water Right which you submitted in behalf of Gilbert and Edna Wettstein, and we have begun their processing.

As requested in your letter, enclosed are copies of the two Claims to a Water Right that were filed by Mr. Charles Starkey. Please note the Mr. Starkey's points of diversion are in different 40-acre tracts than Mr. and Mrs. Wettstein's (Item #5 on the claims). Both of these filings were advertised in the Cottonwood Chronicle during May and July of 1975 (the exact dates can be found on the bottom on the second page of each claim).

If we may be of any further assistance, feel free to contact us.

Very truly yours,


ROBERT G. HAYNES, P.E.
District Supervisor

RGH:CP

Enclosures

P.S. The fee for the enclosed copies is \$1.90. We would appreciate your re-mitting this to our office as soon as possible.

COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
Knutson Building
NEZPERCE, IDAHO 83543
WEat 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
622 MAIN STREET
SHerwood 3-8496

March 26, 1976

Department of Water Resources
Northern District
4055 Government Way
Suite 1
Coeur D'Alene, Idaho 83814

RECEIVED

MAR 29 1976

Department of Water Resources
Northern District Office

Attention: Robert J. Haynes

Dear Mr. Haynes:

RE: Wettstein Applications

Enclosed are the Wettstein's applications for a constitutional water right and for a permit.

There are several things which concern us.

First, we have discovered that Mr. and Mrs. Charles Starkey have filed upon some of the same points of diversion and application. The Wettsteins were not aware of these filings. We would greatly appreciate it if we could have copies of any claims to a water right or application for permits by the Starkeys, within the Southwest Quarter of Section 28. We would also like to know when and where the publications took place.

Second, as information your Department may be interested to have, presently Mr. & Mrs. Starkey and Mr. & Mrs. Wettstein are named as defendants in a Quiet Title Action. Water rights are claimed in the action.

Thank you for your assistance.

Very Truly Yours

RAPAICH & KNUTSON

Michael P. Wasko

Michael P. Wasko
Attorney at Law

MPW:jmw
Enc.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way - Suite #1

COEUR D'ALENE, IDAHO 83814

(208) 667-6484

February 20, 1976

Mr. Michael P. Wasko
RAPAICH & KNUTSON
Knutson Building
Nez Perce, ID 83543

Dear Mr. Wasko:

Enclosed are our Application for Permit and Claim to a Water Right forms, along with instructions for filing the Application for Permit. The fee schedule for the Application for Permit is included in the instructions. The fee for the Claim to a Water Right is \$10 for each Claim.

Our Water Users Handbook is currently out of print and unavailable; however, we will keep your name and address and send you a copy as soon as more are available.

I am enclosing some correspondence which we had with William J. Dee's office concerning the earlier application filed by Mr. Wettstein which you referred to in your letter. You stated in your letter that the check Mr. Wettstein made out had not been returned nor cashed. As you can see by our correspondence, we twice returned the check to Mr. Dee. It would appear that one of two things happened: Either Mr. Dee still has the check; or, correspondence between Mr. Dee's office and ours became lost in the mail with the check. Perhaps you should check with Mr. Dee regarding that.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:cp

Enclosures

COTTONWOOD OFFICE
KUTHER BUILDING
962-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
Knutson Building
NEZPERCE, IDAHO 83543
WEst 7-2409

LEWISTON OFFICE
SUITE 2, PORTER BUILDING
822 MAIN STREET
SHerwood 3-9496

February 18, 1976

Department of Water Resources
401 Front Avenue
Room 209
Coeur d'Alene, Idaho 83814

RE: Application by Gilbert and Edna Wettstein

The Wettsteins wish to file on several claims.

We will need the following items: (1) several copies of application for permit (for surface water); (2) several copies of application for constitutional water right; (3) a copy of your water user's handbook; and (4) the cost for the above applications.

The Wettsteins applied for a water permit earlier during the summer of 1973 with Bill Dee of Grangeville as their attorney. You possibly have a file on their applications already. They had earlier sent in a check which they have not had returned or cashed.

Thank you for your assistance.

Very Truly Yours

RAPAICH & KNUTSON

Michael P. Wasko

Michael P. Wasko

MPW/jmw

RECEIVED
FEB 19 1976

Department of Water Resources
Northern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

September 16, 1975

RECEIVED

OCT 14 1975

Gilbert Wettstein
Star Route
Stites, Idaho 83552

Department of Water Resources
Northern District Office

Dear Mr. Wettstein:

Your September 2 letter concerning the claims to a water right filed by Mr. Charles B. Starkey has been forwarded to us for reply.

Mr. Starkey filed two claims, No. 82-4023 and 82-4024, copies of which are enclosed. These claims are filed with the purpose of preserving the information concerning a water right that has been established by diversion and beneficial use of the water.

No determination of the existence or validity of the right is made by the Department nor is any water right granted or denied. The following portion of Section 42-225b of the Idaho Code, states:

"At anytime after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Since an exception may be filed at any time, we cannot understand why your attorney would intimate that the claim was being hidden. We also assure you that Mr. Wettstein did not request nor did he have a choice in which paper the notice was published. The case was, the Cottonwood Chronicle has complained about our exclusive use of the Idaho Free Press for our notices.

You may enter an exception to Mr. Wettstein's claims, if you feel that they are not accurate or invalid.

If you have any questions concerning this matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

cc: Loren Knutson, Attorney, Max Berger, ID 83542

COTTONWOOD OFFICE
KUTHER BUILDING
982-3351
ELI RAPAICH
LOREN G. KNUTSON

LAW OFFICES
RAPAICH & KNUTSON
Knutson Building
NEZPERCE, IDAHO 83543
WEat 7-2409

RECEIVED

SEP 18 1975
LEWISTON OFFICE
SUITE 2, PORTER BUILDING
Department of Water Resources
622 W. 1ST STREET
SHERWOOD 3-9496

September 17, 1975

State of Idaho
Department of Water Resources
State House
Boise, Idaho 83720

Attention: Bobby D. Fleenor
Chief, Water Rights

Dear Mr. Fleenor:

I am in receipt of a copy of a letter which you wrote to Mr. Gilbert Wettstein dated September 16, 1975.

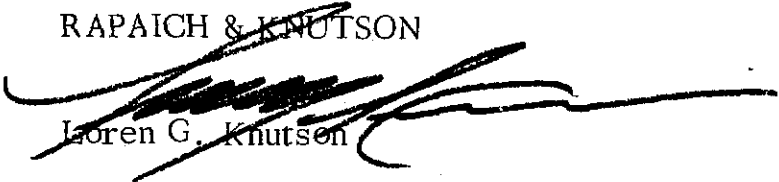
I have no knowledge of Mr. Wettstein's letter to you regarding water rights filed by a Mr. Starkey, but I note that you have made some reference, apparently to us in that letter and I wanted to set the record straight with respect to that reference.

You intimate in that letter that we took the position that the claim was being hidden by filing with the Cottonwood Chronicle. This observation was not made by this office, but rather it came from the office of one of the attorneys in Grangeville, Idaho, who saw the water right in the paper and mentioned it to us and to Mr. Wettstein.

We called this matter to Mr. Wettstein's attention and he advised us that it had no application to his property and as far as we were concerned, that was the end of it.

I want the record straight that I did not make this statement and if I had, I would probably make it directly to you in large capital letters that would be very easy to read. If Mr. Wettstein asks to make any exception to this filing, that is his choice, but as far as we are concerned that is the status of the matter.

Very truly yours,
RAPAICH & KNUTSON


Loren G. Knutson

LGK/sm

Sept 2, 1975

Idaho Department of Water Resources

The claim to a water right by Charles B. Starkey should not be granted or revoked until it is advertized in the Idaho County Free Press as it is the official county paper, I have received copies of this notice from two attorneys. as it is not received in this area, Starkeys have broke and entered in-to a neighbors pump house and stole a new pressure water system several years ago, they have also damaged and destroyed two water lines for us which are not on their property, some of the water may be used from springs that flow into this creek by other parties, We have our problem under investigation by the justice criminal division of Idaho now

RECEIVED

SEP 3 1975

Department of Water Resources
Northern District Office

Gilbert Mettsten
Star Route
Stites, Idaho

83552

am sending the letter from William Taylor along

Mr. Loren Knutson
 Attorney at Law
 Nezperce, Idaho 83543

William F. Taylor Jr.

RECEIVED

SUBJECT:

FILE HERE

DATE

August 2, 1975

SEP 3 1975

Re: Starkey + Wettstein

Department of Water Resources
 Northern District Office

Dear Loren -

Enclosed is a copy of a notice of claim to a water right, Guy Starkey, which was published in the Cottonwood Chronicle on July 10, and July 17, 1975, concerning water from Litter Canyon Creek. I noticed the article had been published when I read the Chronicle, recently. I suspect the water is in "Anderson Canyon Creek," and if so, your client, Mr. Wettstein, has previously informed me that he claims water there and may be interested in the matter. I am also sending a copy to him.

I don't know why Starkey had the notice published in the Chronicle rather than the Free Press, but I suspect it was to hide it from Mr. Wettstein.

copy to Wettstein

SIGNED
 Wm F Taylor Jr.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

July 17, 1973

William J. Dee
Attorney at Law
P.O. Box 128
Grangeville, ID 83530

Dear Mr. Dee:

We are returning the Claim to a Water Right you submitted in behalf of Mr. Gilbert Wettstein, and also his Check No. 92-327 in the amount of \$10.

We cannot accept a Claim for a surface water right with a priority later than May 20, 1971. The right to the use of the unappropriated waters within the State of Idaho shall be acquired only by appropriation under the application, permit, and license procedure (Section 42-103, Idaho Code).

We have taken the liberty of typing an application for permit, incorporating the information from the Claim. Please have Mr. Wettstein review all items on the application, making any corrections or additions necessary, sign the form at the bottom of Page 3, and return it to our office along with the required filing fee.

If you have any questions in this matter, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cr

Enclosure

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

July 11, 1973

RECEIVED

JUL 13 1973

State of Idaho
Department of Water Administration
401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814

Department of Water Administration
Northern District Office

Dear Sirs:

Re: Gilbert Wettstein;
Claim to a Water Right

Enclosed you will find the correct Claim
to a Water Right. We have made the amendments
you have requested and hope it is all in order.

Yours very truly,

William J. Dee
WILLIAM J. DEE *by n.w.*

WJD:sd
Enc.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

April 30, 1973

William J. ~~Dee~~
Attorney at Law
P.O. Box 128
Grangeville, ID 83530

Dear Mr. Dee:

We are returning the Claim to a Water Right you submitted in behalf of Mr. Gilbert Wettstein, and also his Check No. 92-327 in the amount of \$10. Before we can accept this Claim, the signature must be notarized, and for a more valid Claim, the following items should be completed:

- Item 3a: Total amount of water claimed.
- Item 3b: The amount for each use cannot exceed the total amount claimed.
- Item 4: Describe the diversion works or explain these works under Item 9.
- Item 5: Please give the location and the number of acres irrigated.
- Item 7: Please state the number of families served under this system.

Have Mr. Wettstein's signature notarized and return the claim to our office along with the \$10 filing fee, and we shall begin its processing. Your assistance in this matter is appreciated, and if you have any questions, feel free to contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Technician
Northern District

EEB:cr

Enclosures

P. O. Box 128
109 S. MILL

WILLIAM J. DEE
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
83530

TELEPHONE 983-0250

April 20, 1973

RECEIVED

APR 27 1973

State of Idaho
Department of Water Administration
Northern District Office
401 Front Avenue Room 209
Coeur D'Alene, Idaho 83814

Department of Water Administration
Northern District Office

Attention: R. Keith Higginson

Dear Sir:

Enclosed is a claim to a water right. I would appreciate your processing it in the usual manner.

Yours very truly,

William J. Dee
WILLIAM J. DEE *by T.D.*

WJD:td
Enc.

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant GILBERT WETTSTEIN
post office address Star Route, Stites, Idaho

2. The point of diversion is in S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ Section 28 Township 32 N
Range 4 E.B.M. B.M. located on a spring about one rod south of
(name of source)
Anderson Creek in Idaho County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Feb. 1, 1973 amount: .05 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .05 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Irrigation period of use from March 1 to Oct. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works: see Item 9

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

_____; if so, give dates and explain _____

ing date and dimensions if possible _____

Is reservoir on or off stream _____ explain _____

location of reservoir by 40-acre subdivisions _____

describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known_____

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Description of diversion works (Item 4b) Small retaining tank in
spring and the pipe above described runs from said spring to
applicant's property where it is then piped into the house and also
out onto the lawn and garden for irrigation.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

(Date) _____

State of Idaho

County of _____

} ss.

Gilbert M. Weinstein
(Signature of Claimant)

On this _____ day of _____ 19____, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at _____

My commission expires _____

For Department Use Only

Received by CL Date 7-13-73
4-27-73

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by _____ Date _____

Fee received by _____ Date _____ Fee \$ _____

Approved for publication by _____

Published in _____ Dates _____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u> acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u> acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.