

(8) Remarks _____

NW CORNER

SEC 28

NW NE
SW SE

NW NE
SW SE

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 Idaho)

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.

Charles B. Starkey
(Claimant)

Sworn to before me this 21 day of June, 19 75

Geneva Le Gresley
Notary Public
Residing at Kooshkia, Idaho

My commission expires Jan 15, 1977

For Department Use Only

Received by [Signature] Date 6-25-75 Exception filed by: _____
Prelim. check by [Signature] Date 6-25-75 Forwarded to
\$10.00 fee received by [Signature] Date 6-25-75 claimant by: _____
Approved for publication by [Signature] _____
Published in COTTONWOOD CHRONICLE _____
Dates 7-10 & 7-17-75 _____

UNIVERSITY OF CHICAGO

CLAIM TO A WATER RIGHT

Notice is hereby given that Charles B. Starkey

(name of claimant)

the public water of the State of Idaho

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) see attachment "A"
hereto attached and by reference made a part hereof

Amount	<u>9GPM</u>	Use	<u>stock</u>	Period of Use:	From	<u>1916</u>	To	<u>present</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)

(4) Priority claimed: (the date water was first applied to beneficial use) 1916

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28 Twp. 32N Rge. 4E B. M. County of Idaho

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. diversion dam

[illegible]

Total No. of acres _____

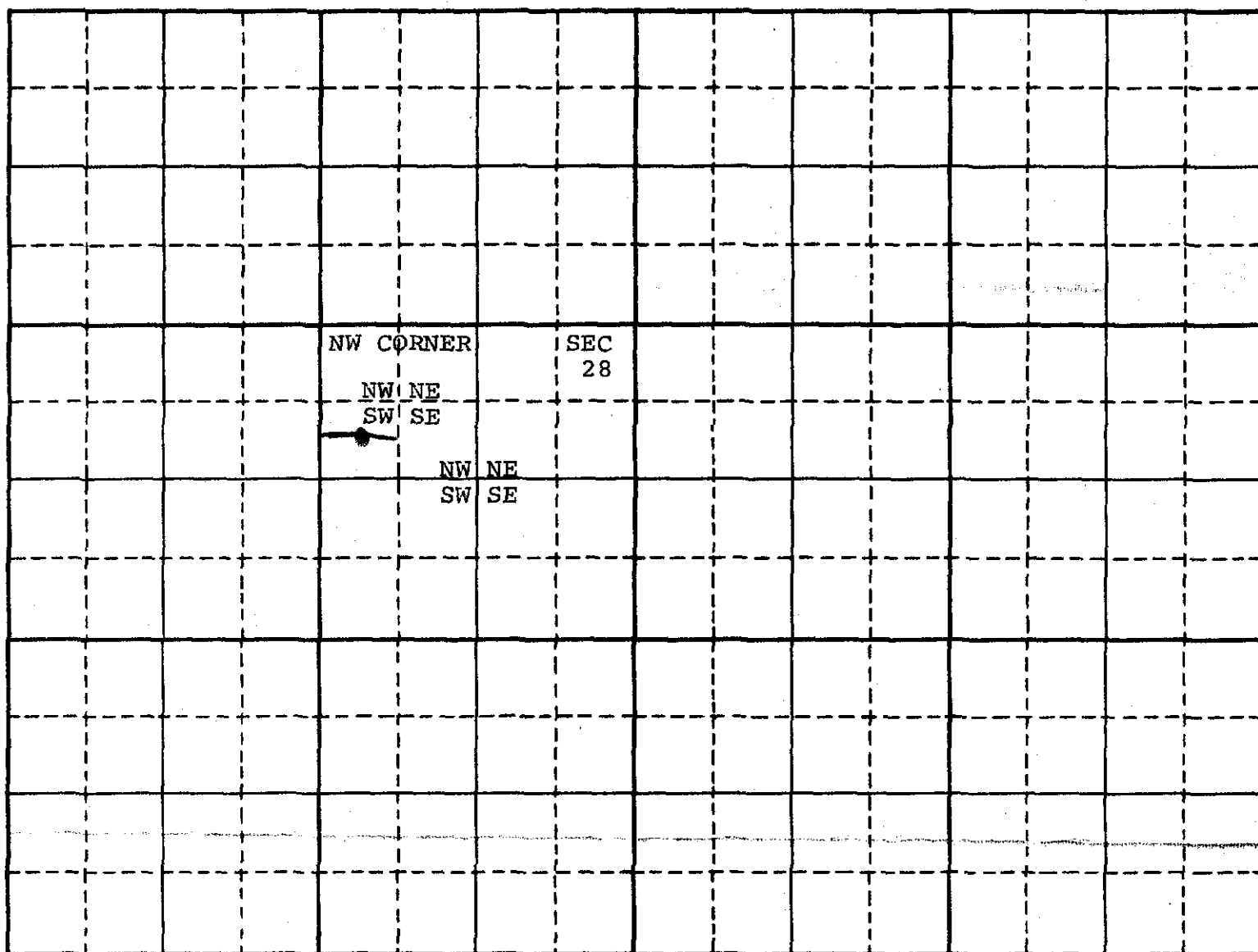
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

stock water for forty (40) cattle

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

none

(8) Remarks _____

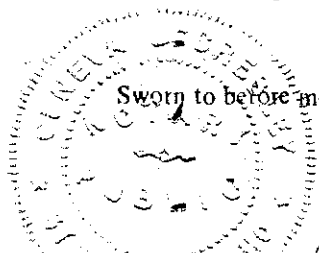


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Idaho) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.



Sworn to before me this 21 day of June

Charles B. Storkay
(Claimant)

19 75

Geneva Le Gresley
Notary Public
Residing at Keosauqua, Idaho

My commission expires Jan 15, 1977

Rec'd # 1587

For Department Use Only

Received by <u>ij</u>	Date <u>6-25-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dw</u>	Date <u>6-25-75</u>		claimant by:	
\$10.00 fee received by <u>ij</u>	Date <u>6-25-75</u>			
Approved for publication by <u>FE</u>				
Published in <u>COTTONWOOD CHRONICLE</u>				
Dates <u>7-10 & 7-17-75</u>				

ATTACHMENT "A"

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water)

Stites Canyon Creek and flow into Stites Canyon Creek on a line S.22°22' East from the NW corner of Section 28, Township 32N, R4E, B.M., a distance of 1488.37 feet.

tributary to, South Fork of Clearwater River

RECEIVED
JAN 10 1964

Department of _____
Northern District Office

Affidavit of Publication

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

PUBLIC NOTICES

Because the people must know

We strongly advise those citizens seeking further information, to exercise their right of access to public records and public meetings.

NOTICE OF CLAIM TO A WATER RIGHT

Notice is hereby given that Charles B. Starkey, P. O. Box 149, Stites, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 9 gpm of water from Stites Canyon Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B. M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of 1916; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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, Route 5, Box 203, Suite No. 1, (4055 Government Way), Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho on July 10 and July 17, 1975.

I, LLOYD D. ROSE, 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 two weeks being published two times, the first publication being on the 10th day of July, 1975, and the last publication on the 17th day of July, 1975; 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.

Subscribed and sworn to before me this 17 day

of July, 1975.
[Signature], Notary Public,
for the State of Idaho, residing at Cottonwood, Idaho.



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

RECEIVED

JUN 22 1988

June 17, 1988

Department of Water Resources

Mr. Stan Choate
POB 171
Stites, Id. 83552

Re: Claims #82-4023 and #82-4024

Dear Mr. Choate:

Enclosed are the claims filed by Mr. Charles B. Starkey on the property you now own. Claims are the sworn statement of the claimants, the department has no way of knowing if the claims are valid or not.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Tom D. King
Sr. Water Resource Agent

ACTION

N OWNER LAST NAME - STARKEY

FIRST NAME - CHARLES B.

N ADDRESS LINE 1 - P.O. BOX 149

N SOURCE - STITES CANYON CREEK

CITY - STITES

STATE - ID ZIP CODE - 83552

N STAGE - STATRY CLM

PRIORITY - 06-01-1916 COUNTY - IDAHO

TOTAL DIV. RATE - .0200CFS

N DIVERSION POINT - SWNW 28 32N 04E

N USE - STOCKWATER

USE DIV. RATE - .0200CFS

N USE - STOCKWATER

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

N NON IRRIG USE - S/40 RANGE.

IDENT. NO. 82-4024

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. _____

Old No. _____

New No. _____

1 82-4024

Record

1. Original Owner: _____

Charles B. Starkey

Present Owner: _____

2. Address: P.O. Box 149

3. City: Stites

State: ID

Zip: 83552

4. A. Source of Water: Stites Canyon Creek

B. Tributary of: _____

5. 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: 6-1-1916

D. County: 49

E. Total Diversion Rate: .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): _____

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
SWNW	28	32N	4E		
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

from _____	to _____	for J purposes.	Amount .02 (cfs or ~~AG-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 _____

92179

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

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

12. Other Rights for Same Use: *\$140 range*

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

STATE HOUSE BOISE, IDAHO 83720

September 16, 1975

Gilbert Wettstein
Star Route
Stites, Idaho 83552

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, Nez Perce, ID 83543

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

LAW OFFICES

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

RECEIVED

SEP 18 1975
LEWISTON OFFICE
SUITE 2, PORTER BUILDING
Department of Water Resources
8Herwood 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.

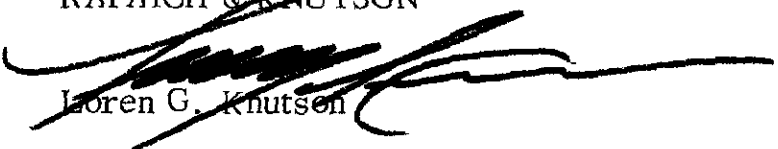
I have no knowledge of Mr. Wettstein's letter to you regarding water rights filed by a Mr. Starkey, but I note that you have made some reference, apparently to us in that letter and I wanted to set the record straight with respect to that reference.

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 Wettstein
Star Route
Stites, Idaho
83552

am sending the letter from William Taylor along

Mr. Loren Knutson

Attorney at Law

[Nepesee, Idaho 83543]

William B Taylor

RECEIVED

SUBJECT:
FOLD HERE

SEP 3 1975

August 2, 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 Little 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 B Taylor

RECEIVED

SEP 12 1975

Department of Water Resources

MEMO

TO: DARLENE
FROM: Corda June
DATE: September 10, 1975
SUBJECT: Cottonwood Chronicle/Idaho County Free Press

Attached is the letter from Mr. Gilbert Wettstein that I called you about in connection with Claim Nos. 82-4023 and 82-4024.

I called the Cottonwood Chronicle and the Free Press. The approximate circulation of the Cottonwood Chronicle is 2,500. It will soon be under new ownership and the new editor will be Mr. Bob Wherry. The "old" editor was Lloyd Rose. The approximate circulation of the Idaho County Free Press is 4,000. I guess that settles it!

Since this has been brought up, there are several other areas in Northern Idaho that have two or three newspapers for one county. Should I check on these in the same manner? Let me know. I think I just discovered that I've been doing my advertising all wrong for three years!!

Thanks for your help.

CORDA JUNE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Route 5, Box 203
Suite #1
4055 Government Way

~~XXXXXX~~
~~XXXXXX~~
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 30, 1975

Re: Claim to a Water Right No. 82-4024

Mr. Charles B. Starkey
P.O. Box 149
Stites, ID 83552

Dear Mr. Starkey:

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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

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

Route 5, Box 203
Suite #1
4055 Government Way

XXXXXXX
XXXXXXXXXXXXX

July 7, 1975

Re: Claim to a Water Right No. 82-4024 - Charles B. Starkey

Mr. Manderson L. Miles
KNOWLTON AND MILES
312 - 17th Street
Lewiston, ID 83501

Dear Mr. Miles:

Attached is your receipt No. 1587 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

FRED EISENBARTH
District Supervisor

FE:CP

Attachment

UNRECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

Route 5, Box 203
Suite #1
4055 Government Way

R. Keith Higginson
Director

XXXXXXXXXX
Room 203
XXXXXX
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 3, 1975

Re: Claim No. 82-4024 - Charles B. Starkey

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: 7-21-75. 4

NOTICE OF CLAIM TO A WATER RIGHT

NO. 82-4024

Notice is hereby given that Charles B. Starkey,

P.O. Box 149, Stites, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 9 gpm ~~XXXXXX cubic feet per second~~ ~~XXXXXX cubic feet per annum~~
of water from Stites Canyon Creek

with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B.M.,
Idaho County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-
watering purposes

with a priority of 1916;
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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, ~~401 Front Ave., Coeur d'Alene, Idaho, 83814~~
Route 5, Box 203, Suite #1 (4055 Government Way), Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the Cottonwood Chronicle, Cottonwood, Idaho

on July 10 and July 17, 1975

**NOTICE OF CLAIM TO
A WATER RIGHT**

Notice is hereby given that Charles B. Starkey, P. O. Box 149, Stites, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 9 gpm of water from Stites Canyon Creek with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 32N, R. 4E, B. M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes with a priority of 1916; the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 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, Route 5, Box 203, Suite No. 1, (4055 Government Way), Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Cottonwood
Chronicle, Cottonwood, Idaho on
July 10 and July 17, 1975.

ck
7-17-75
C

Law Offices
OF
KNOWLTON AND MILES

312 SEVENTEENTH STREET
LEWISTON, IDAHO 83501

AREA CODE 208
743-7211

OWEN L. KNOWLTON

MANDERSON L. MILES

June 24, 1975

Idaho Department of Water Rights
State Capitol
Boise, Idaho 83720

Dear Sir:

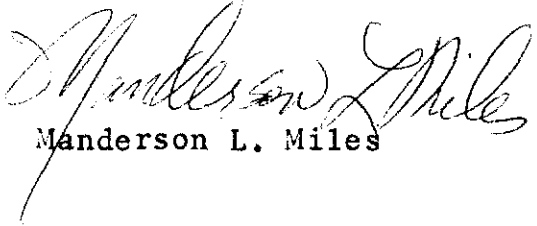
Re: Claim to a Water Right
Charles B. Starkey

Enclosed herein is the original and two copies of a Claim to a Water Right for Mr. Charles B. Starkey. Also enclosed is a check for \$10.00 for filing fees.

Please send all information and correspondence to Mr. Starkey in care of me at the above address.

Yours very truly,

KNOWLTON AND MILES


Manderson L. Miles

MLM:dm

encs. (4)