

RECEIVED

JAN 14 1974

Department of Water Administration
Northern District Office

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 82-4014

Notice is hereby given that Miss Gertrude Maxwell, Elk City, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.94 cubic feet per second of water from Big Elk Creek with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 29N, R. 8E, B. M., Idaho County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes (0.02cfs); and from April 1 to Nov. 1 for the irrigation of 97 acres (1.94 cfs) with a priority of 1919. The place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 8E, B. M. Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Published in the Idaho County Free Press, Grangeville, Idaho on Jan. 2 and Jan. 9, 1974.

j2-9

OMITTED
SENW →

.....Marilyn J. Stolley..... 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 2nd..... day of January....., 197⁴, and the last publication on the 9th..... day of January..... 197⁴; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this 9th..... day of January....., 197⁴.

Burton C. Hotal, Notary Public
for State of Idaho, residing at Grangeville, Idaho.

82 4014



RECEIVED

FEB 5 1974

Department of Water Administration
Northern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 82-4014 in the name of Miss Gertrude Maxwell was advertised incorrectly on January 2 and January 9, 1974. The place of use was advertised as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 3E, B.M.; whereas, the actual place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 3E, B.M.

Any exception to the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON,
Director

Published in the Idaho County Free Press, Grangeville, ID on Jan. 23 and Jan. 30, 1974.

J23-30

AFFIDAVIT OF PUBLICATION

I, Marilyn J. Stolley 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 23rd day of January, 1974, and the last publication on the 30th day of January, 1974; 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.

Marilyn J. Stolley

Subscribed and sworn to before me this 30th day of January, 1974.

Richard C. Hatle, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



82 4014

Identification No. 82-4014 1

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 Miss Gertrude Maxwell
post office address Elk City, Idaho 83525
2. The point of diversion is in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 9 Township 29 N
Range 8 E B.M. located on Big Elk Creek
(name of source)
tributary to South Fork of Clearwater 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:

1919 irrigation amount: 1.94 c.f.s. or _____ acre feet
domestic amount: .02 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 irrigation period of use from April to Nov. (both dates inclusive)
use domestic period of use from January to December (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:

a. Surface water diversion dam and/or headgate: material is composed of rocks and sod
board headgate part of time length is 20 feet; height is 2 feet;
width at bottom is 1 1/2 feet; with at top is 1 1/2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known My father and mother dug the ditch by hand and my father constructed a board headgate on a flume which was hard to maintain

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 _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is 1 1/2 miles; width of ditch at top is 2 to 3 ft; width of bottom of ditch is 6 in; depth of water is 6 to 10 in; grade of ditch per 1000 feet is enough for fall; material through which ditch passes is woodlands and fields; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible My ditch is small and I irrigate my fields by flooding - amount of rain during my growing season for hay determines amount of water needed - what I use is seldom noticeable in flow of creek

- d. If water is stored: name of reservoir _____; total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____ is reservoir drained each year _____; is reservoir on or off stream _____ explain NO

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

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

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	
29N	8E	9	0	0	0	0	0	0	0	2	0	0	0	0	0	25	0	30	52
29N	8E	10	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	5
29N	8E	15	0	0	0	0	20	20	0	0	0	0	0	0	0	0	0	0	40

Total number of acres to be irrigated 97

Explain any significant increase in area irrigated since first use, give dates and acreages if known This area has been irrigated every year since ditch was built - used more on dry years than wet years

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 no

7. Where water is used for domestic or municipal purposes give number of families served no
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. I installed a pressure pump in
Elk Creek NW 1/4 of NE 1/4 of NW 1/4 of section 15
1940 and piped the water to a storage tank
above my house to supplement my domestic
supply during dry season

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
The spring which served for my domestic
use is a weak one and that is why I have
pumped water into the storage tank above
my house every season since. At present I
have a 220 v. jet pump. I take this pump
out and store it every fall and install it
again as soon as danger of freezing is past
in the spring. I supplement my domestic water
supply by keeping water in the ditch which goes
above my buried storage tank after I take the
jet pump out before fall freezing weather. The ditch
crosses only deeded land.

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 Idaho ss.

On this 14th day of Dec 1973, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Gertude Maxwell
(Signature of Claimant)

Betty J. Nitz
Notary Public residing at Elk City, Id.

My commission expires Mar 01 - 75

For Department Use Only

Received by CP Date 12-19-73

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by CB Date 19 Dec 73

Fee received by CP Date 12/19/73 Fee \$10.00

Approved for publication by ZE

Published in IDAHO FREE PRESS Dates 1-2-74

82 4014

CORRECTION NOTICE: 1-23-74

1-9-74

1-7-74

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.

RECEIVED

JAN 14 1974

Department of Social Services
Ketchikan, Alaska

AFFIDAVIT OF PUBLICATION

.....Marilyn J. Stolley..... 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 2nd..... day of January....., 197⁴....., and the last publication on the 9th..... day of January..... 197⁴.....; 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.

.....Marilyn J. Stolley.....

Subscribed and sworn to before me this 9th..... day of January....., 197⁴.....

.....Richard C. Wahl....., Notary Public
for State of Idaho, residing at Grangeville, Idaho.

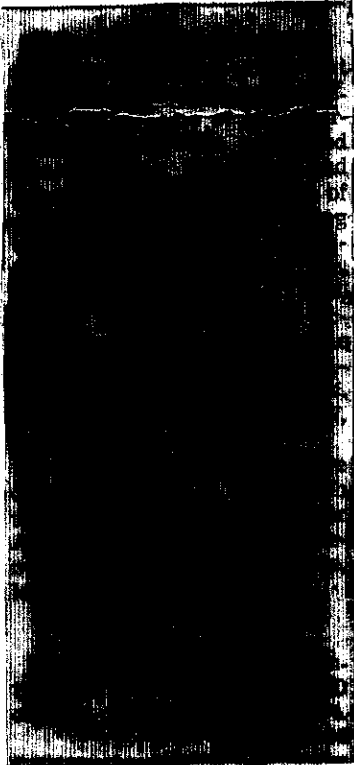
OMITTED
SENW →

82 4014

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FEB 5 1974

Department of Corrections
Northern District Office



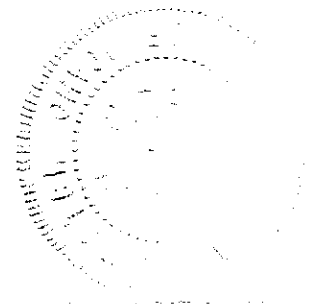
AFFIDAVIT OF PUBLICATION

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Marilyn J. Stolley

Subscribed and sworn to before me this 30th day of January, 1974.

Richard C. Hatcher, Notary Public
for State of Idaho, residing at Grangeville, Idaho.



82 4014

WATER RIGHT NUMBER 82-4014

WATER RIGHTS EDIT REPORT

10/05/79

PAGE 95

ACTION

N OWNER LAST NAME - MAXWELL

FIRST NAME - GERTRUDE

CITY - ELK CITY

STATE - ID ZIP CODE - 83525

N SOURCE - BIG ELK CREEK

TRIBUTARY OF - CLEARWATER RIVER, SOUTH FORK

N STAGE - STATRY CLM

PRIORITY - 06-01-1919 COUNTY - ELMORE

TOTAL DIV. RATE - 1.9400CFS

N DIVERSION POINT - SENW 09 29N 08E

USE DIV. RATE - 1.9400CFS

N FROM - 04-01 TO - 11-30 USE - IRRIGATION

USE DIV. RATE - .0200CFS

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

N USE - IRRIGATION

PLACE OF USE - TWN 29N RNG 08E SEC 09 TRACT SENW

AC 02 TRACT NWSE

AC 25

N USE - IRRIGATION

TRACT SESE

AC 30

N USE - IRRIGATION

PLACE OF USE - TWN 29N RNG 08E SEC 10 TRACT SWSW

AC 05

N USE - IRRIGATION

PLACE OF USE - TWN 29N RNG 08E SEC 15 TRACT NENW

AC 20 TRACT NNNW

AC 20

IDENT. NO. 82-4014

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 182-4014
Old No. New No.

Record

1. Original Owner: Gertrude Maxwell

Present Owner: _____

2. Address:

3. City: Elk City State: ID Zip: 835254. A. Source of Water: Big Elk CreekB. Tributary of: Cleawater River, South Fork5. A. Stage (A,P,L,D,S,J): S

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

C. Priority Date: 6-1-1919D. County: 39E. Total Diversion Rate: 1.94

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>SENW</u>	<u>9</u>	<u>29N</u>	<u>8E</u>		

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

from 4-1 to 11-30 for A purposes. Amount 1.94
(cfs or ~~AC~~-FT/yr)from 1-1 to 12-31 for D purposes. Amount .02

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: *A*

[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:

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 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

February 11, 1974

Re: Claim to a Water Right No. 82-4014

Miss Gertrude Maxwell
Elk City
Idaho 83525

Dear Miss Maxwell:

The Department of Water Administration 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 this 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

82 4014

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

February 4, 1974

Re: Claim to a Water Right No. 82-4014 - Miss Gertrude Maxwell

Mr. Harold G. Smith
36 - 22nd Avenue
San Francisco, CA 94121

Dear Mr. Smith:

We have enclosed for your reference, a copy of the above Claim to a Water Right filed by Miss Gertrude Maxwell.

Before answering the questions listed in your letter, it might be best to explain what a Claim to a Water Right is. The enclosed booklet, "Water Users Handbook," will explain how to obtain new water rights as well as how to record old rights. On Page 14 of the booklet, it explains the purpose of a Claim.

In your letter, you mentioned our Department approving or disapproving Miss Maxwell's Claim. We do not have any procedure or authority to verify or evaluate the statements made in a Claim to a Water Right. The filing of a Claim does not guarantee a water right, but does record and preserve the information and evidence included in a Claim. The Claim may become the basis for future adjudication of the water right by the court. Therefore, if you disagree that a right has been established as set forth in Miss Maxwell's Claim, you may wish to file an exception to her Claim. This exception would be made a part of the file and considered the same as other evidence in the file.

Miss Maxwell has claimed the rights to use 1.94 cubic feet per second of water from Big Elk Creek for the irrigation of 97 acres. If any of the 97 acres is transferred to a new owner and the water rights were not specifically withheld during sale, then the new owner would retain that portion of the original water right. The former owner would not retain the same quantity of water with the original date of priority. Any new land irrigated would then have a new priority established by the date it was first irrigated.

82 4014

Page 2
Re: 82-4014
Harold G. Smith
February 4, 1974

We hope this has answered some of your questions. If you decide to file an exception, please mail it to our office and we will take the necessary steps for processing. An exception to a Claim may be filed at any time.

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

82 4014

36-2nd Avenue
San Francisco, CA. 94121
January 27, 1974

RECEIVED

JAN 31 1974

R. Keith Higginson, Director
Idaho Dept. of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Re: Notice of Claim to a Water Right - No. 82-4014

Dear Mr. Higginson,

My brother, Samuel W. Smith, Jr., and I own Survey #1238, approx. 160 acres of mostly mountain meadow, situated on both sides of Big Elk Creek, adjoining and downstream from Maxwell property, subject of the above Notice of Claim, which was published in the Idaho County Free Press on 1/9/74.

Our concern about said Notice of Claim is confined to the claimed diversion from Big Elk and "application to beneficial use of 1.94 cubic feet per second of water from April 1 to Nov. 1 for the irrigation of 97 acres, with a priority of 1919."

Because we are unable to discuss this matter with you in person, we must begin by making certain assumptions, and request that your reply clarify to our satisfaction the following points.

First, in arriving at a decision to approve or disapprove the above Notice of Claim, we are assuming that you have been notified of the recent sale of most of Maxwell property on Big Elk.

If not, please take this new factor into consideration, investigating, if necessary, and then informing us if the substantially reduced acreage (97 acres to be irrigated) still owned by Maxwell is entitled to the 1919 priority.

In other words, if the 1919 priority, which we are assuming was valid, was granted and was based on a much larger acreage, allowing application to beneficial use of 1.94 cubic feet per second of water, then has the recent sale of most of Maxwell property so reduced the acreage owned as to make 1.94 cubic feet per second an excessive diversion of water under present circumstances? In this connection, please send us any figures available on the average, normal flow of Big Elk from April 1 to Nov. 1, and any current publications dealing with agricultural and mineral water regulations.

To continue our line of reasoning, if we are correct in assuming that the 1.94 cubic feet per second was stipulated as part of the 1919 priority, then it follows that any reduction of acreage owned by Maxwell, now, below the total acreage on which the 1919 priority was based, would properly call for a corresponding percentage reduction in the 1.94 cubic feet per second originally authorized. Indeed, under the new set of conditions, aforementioned, we raise the serious question of the validity of the 1919 priority, at least in its original form, and would be inclined to classify No. 82-4014 as a new Notice of Claim rather than an updating of an old Notice of Claim.

And if we are incorrect in assuming that the 1.94 cubic feet per second was specified as part of the 1919 priority, please notify how the 1.94 figure was derived, and if it is more or less than was authorized in 1919.

Please be assured that our interest in this matter is merely to see that our property is no more adversely affected than necessary by the water requirements of others, and that the quantity and quality of water running the full length of our property conforms with good environmental practice.

And we trust that, although homes being built upstream on property recently sold by Maxwell will probably make further demands on Big Elk Creek for water for domestic purposes, such reasonable demands can probably be accommodated, provided there is no excessive diversion of water by anyone for other than domestic usage.

A prompt reply to our inquiry, and to the questions that we have raised, will be greatly appreciated, looking to a reasonable and justifiable settlement of water rights along Big Elk Creek.

Sincerely,

Harold G. Smith
Harold G. Smith

82 4014

January 18, 1974

Re: Claim No. 82-4014 - Miss Gertrude Maxwell

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~-In order to receive payment, the following certification must appear on the bill:-~~

~~"I hereby certify that the foregoing account is just
and correct, that the amount claimed is legally due,
after allowing all just credits, and that no part of
the same has been paid."~~

(signature of claimant)

Very truly yours,

FRED EISENBARTH
Northern District Manager

Bill submitted 2-7-74 by CP

FE:CP

Enc: Legal Notice

82 4014

ALL KINDS
OF
COMMERCIAL
PRINTING

LETTERPRESS AND OFFSET



USE FREE PRESS
CLASSIFIED ADS

"THEY GET RESULTS"



TELEPHONES:
983-1070 OR 983-1071

"PROMPT SERVICE"

STATE

IDAHO COUNTY FREE PRESS

COUNTY SEAT NEWSPAPER OF IDAHO COUNTY — FOUNDED JUNE 18, 1886

E. Q. AND J. L. OLMSTED

PRINTERS AND PUBLISHERS

Grangeville, Idaho 1-31-74, 197

State of Idaho
Dept. of Water Admin.
401 Front Ave.
Coeur D' Alene, Idaho

DATE	INVOICE NO. / ITEMS	AMOUNT
Jan. 23, 1974	2811, 2T Not of Corr 82-4014	\$10.08

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

IDAHO COUNTY FREE PRESS

BY: M. J. Stolley
Office Mgr.

82 4014

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 82-4014 in the name of Miss Gertrude Maxwell was advertised incorrectly on January 2 and January 9, 1974. The place of use was advertised as being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 3E, B.M.; whereas, the actual place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 3E, B.M.

Any exception to the above correction may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Room 209, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON, Director

Published in the Idaho County Free Press, Grangeville, ID on Jan. 23 and Jan. 30, 1974.

82 4014

NOTICE OF CORRECTION

Notice is hereby given that

Claim to a Water Right No. 82

4014 in the name of Miss Ger-

trude Maxwell was advertised

incorrectly on January 2 and

January 9, 1974. The place of

use was advertised as being

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ -

SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.

10; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 29N.

R. 3E, B.M.; whereas, the ac-

tual place of use is within the

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ -

SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.

10; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 29N.

R. 3E, B.M.

Any exception to the above

correction may be filed with

the Idaho Department of Water

Administration, 401 Front Ave-

nue, Room 209, Coeur d'Alene,

Idaho 83814.

R. KEITH HIGGINSON,

Director

Published in the Idaho Coun-

ty Free Press, Grangeville, ID

on Jan. 23 and Jan. 30, 1974.

723-90

32 4014

31K
1-22-74
CP

December 28, 1973

Re: Claim No. 82-4014 - Miss Gertrude Maxwell

Idaho County Free Press
Box 267
Grangeville, ID 83530

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. ~~In order to receive payment, the following certification must appear on the bill:~~

~~"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."~~

~~-(signature of claimant)~~

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted _____ by _____

FE:CP

Enc: Legal Notice

82 4014

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E. Q. AND J. L. OLMSTED

PRINTERS AND PUBLISHERS

Grangeville, Idaho 1-9-74, 197

State of Idaho
Dept. of Water Admin.
401 Front Ave.
Coeur d' Alene, Idaho 83814

DATE	INVOICE NO. / ITEMS	AMOUNT
Jan. 2-9, 1974	3511, 2T Not of Claim 82-4014	\$12.60

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

IDAHO COUNTY FREE PRESS

By: M. J. Stolley
Office Mgr.

82 4014

NOTICE OF CLAIM TO A WATER RIGHT

NO. 82-4014

Notice is hereby given that Miss Gertrude Maxwell,
Elk City, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.94 cubic feet per second ~~acre feet per annum~~
of water from Big Elk Creek

with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 29N, R. 8E, B.M., Idaho
County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes (0.02 cfs); and from April 1 to Nov. 1 for the irrigation of 97 acres (1.94 cfs)
with a priority of 1919;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10;
N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 15, T. 29N, R. 8E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Idaho County Free Press, Grangeville, Idaho
on Jan. 2 and Jan. 9, 1974

82-4014

December 28, 1973

Re: Claim to a Water Right No. 82-4014

Miss Gertrude Maxwell
Elk City
Idaho 83525

Dear Miss Maxwell:

Attached is your receipt No. 13454 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
Northern District Manager

FE:CP

Enclosure

82 4014