

MEMO

Please note that the name entered as Daniel W Hurley on water right number 95-9270 published on May 19 and 26, 2005 is in error and should have been entered as Daniel C Hurley. All other information on the publication notice is correct. The new adjudication claims contain the correct full name.

RECEIVED

JUN 13 2005

Department of Water Resources

71951

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that DAN HURLEY (Name of Claimant) 208-669-6974
639 N. RIVERPORT BVD J201 SPARKANA 99202 Telephone No: 509-363-1910
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 1939 - JUN 15
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING tributary to CDA LAKE

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

(cfs or af)		(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)	
Quantity <u>0.04</u>	Use <u>DOMESTIC</u>	Period of Use From <u>1/1</u>	to	<u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	to	_____
Quantity _____	Use _____	Period of Use From _____	to	_____
Quantity _____	Use _____	Period of Use From _____	to	_____

4. 0.04 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SCAMMEL ADDITION TO ECHO BAY, LTS, Bk 1
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Govt. Lot _____
Sec. 5 Township 49N Range 3W B.M., KOOTENAI County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

SPRING WITH CISTERN (1000 GAL) GRAVITY FLOW TO HOME

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
49N	3W	7	D																
		8						D											

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. _____

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

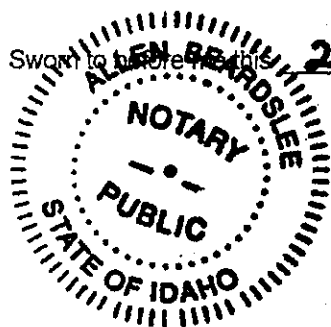
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of IDAHO)
County of KOOTENAI) ss.

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

Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 25th day of MARCH, 2005



Notary Public

Residing at: CD'A

My commission expires: 06/08/07

FOR DEPARTMENT USE ONLY

Received by JB Date 03-25-05
Prelim. check by JB Date 03-25-05
Fee 200.00 Receipt # 2016714 Date 1/25/06
Receipt prepared by (7100.00) Date _____

Published in CdApr
Publication dates 5/19 + 20/05
Publication checked by JB Date 5/31/05
Exceptions filed by _____

REFERENCES

SHEET 1 OF 3

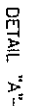
NOTES

NOTES

1) NO ATTEMPT WAS MADE TO SHOW PHYSICAL FEATURES OF THE PROPERTY, PRESENTING DISADVANTAGES, DISADVANTAGES OF RECORD OR IN VIEW, UNLESS OTHERWISE NOTED HEREON.

2) A ROAD MAINTENANCE AGREEMENT HAS BEEN FORMED IN THE DECLARATION OF COVENANTS AND CONDITIONS UNDER INSTRUMENT NO. 1506588.

BASIS OF BEARING

[illegible]

CURVE TABLE

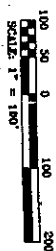
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LINE TABLE

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**EMPIRE
SURVEYING &
ENGINEERING, INC.**

N. 9297 GOVERNMENT WAY
SUITE G, P.O.BOX 12
HAYDEN LAKE, IDAHO 83835

(208) 772-8581
FAX (208) 772-8582

SCAMMELL ADDITION 10
1-20-40 544

95-9270

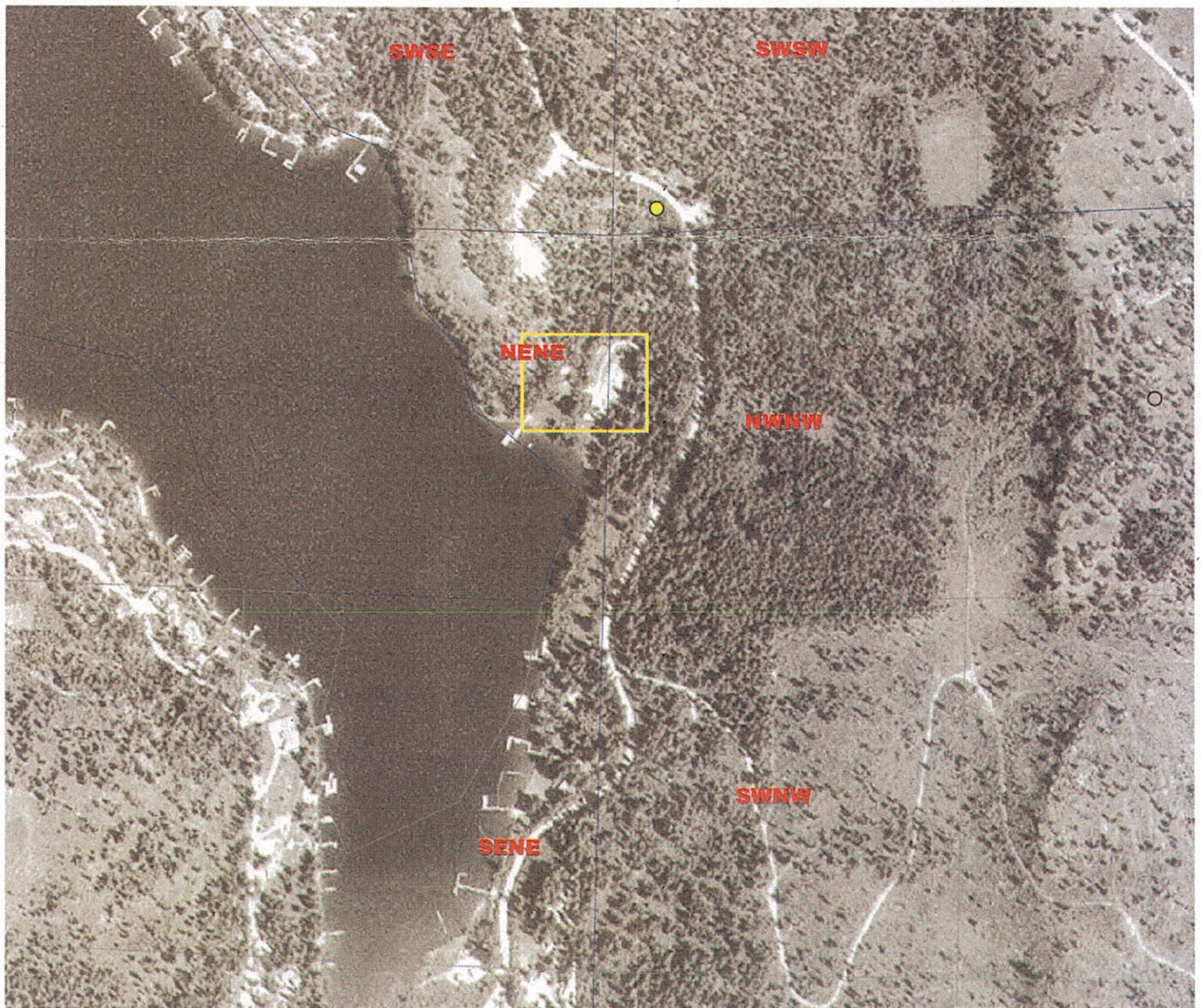
T49N R3W Sections 7 & 8



Place of Use



Point of Diversion



RECEIVED

NOV 09 2005

Department of Water Resources

RECEIVED

NOV 04 2005

IDWR/North

October 12, 2005

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd.
Coeur d'Alene, Idaho 83814

Dear Sirs:

This is in regards to the water right claim of Dan and Molly Hurley, claim number 95-9270. My father, Fred L. Stanton, purchased this property in July 1939. The spring and cistern were developed for domestic water use. I can verify the purchase date of 1939 used for this claim.

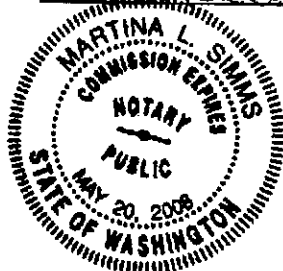
Philip H. Stanton

Mr. Philip H. Stanton
C/O Washington Trust Bank
P.O. Box 2127
Spokane, Washington 99210

State of Washington)
County of Spokane)

I certify that I know or have satisfactory evidence that, Philip H. Stanton, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10/12/2005



Martina L. Simms
Notary Public in and for the State of Washington,
Residing at: Spokane, WA
My Commission Expires: 5/20/2008

September 26, 2005

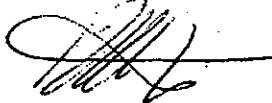
Richard B Porter
2000 N. 23rd St
Boise, ID 83702

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd.
Coeur d'Alene, ID 83814

Dear Sirs:

This in regards to a water right claim for Dan and Molly Hurley, the claim number is 95-9270. The property has been family owned since 1939, and I married a first generation property owner family member. The spring/cistern water system was in existence when the property was purchased by the family, and probably predates the 1939 claim.

Sincerely yours



Richard B Porter

State of Idaho

County of Canyon

On this 27 day of October, in the year 2005, before me _____, a notary public in and for the State of Idaho, personally appeared Richard B Porter, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same.


Notary Public for Idaho

Residing at: Nampa, ID 83651
Commission expires: June 28, 2011

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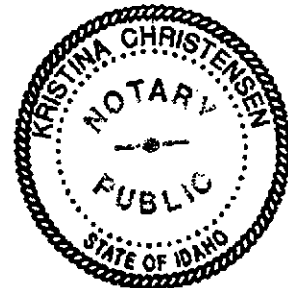
NOV 02 2005
DEPARTMENT OF
WATER RESOURCES

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OCT 31 2005
IDWR/North

RECEIVED

NOV 09 2005

Department of Water Resources



ATTACHMENT #3

Please attach memo to each of your Adjudication Claims stating 'Daniel W. Hurley' is an error and that the remaining information on the publication notice is correct. ^{use complete name} on new claims.

Shaun Maxey
IDWR
(208) 762.2800