

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

Ident. Number 95-15162

Date Received: 5-19-11

Receipt No: 11027202

Received By: am

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

RECEIVED

MAY 19 2011

IDWR/NORTHERN

1. Name of Claimant(s) Stephen R. Herling Phone (208) 664-9181

Mailing Address PO Box 3586 Post Falls ID Zip 83877
Street or Box City State

2. Date of Priority: (Only one per claim) 08/03/1974
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 50N, Range 04W, Section 08,
_____ 1/4 of _____ 1/4, or Govt. Lot 04 BM. County of Kootenai;

Parcel (PIN) no. 50N04W080251

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Well Permit No. 750905: construction date of 08/03/1974; casing (steel); static water level (125');

diameter (6.25"); total depth (183').

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For domestic _____ purposes from 01/01 to 12/31 amount .04 cfs(✓) or AFY()

For irrigation (lawn/garden <1/2 ac.) _____ purposes from 01/01 to 12/31 amount .04

7. Total Quantity claimed .04 cfs (✓) or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Domestic and limited irrigation (lawn/garden < 1/2 ac.) use in the total

amount of less than .04 cfs/day for one household of single ownership.

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9. Location of Place of Use is: Township 50N, Range 04W, Section 08,
1/4 of 1/4, Govt. Lot 04 BM. Parcel (PIN) no. 50N04W080350
If different than shown in Item 4
for (Check One) **Domestic** (✓) **Stock** () **Domestic and Stock** ()
Additional places of use, if any 50N04W080210

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes (✓) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.

Water Right No. 95-823 of PIN 50N04W080350 for irrigational use from Spokane River or None ()

13. Remarks:
Attachments: IDWR Driller's Report of Well Permit No. 750905; Kootenai Assessor's report & map of the
above PINs; and IDWR record of Water Right No. 95-8230, listed as Exhibits "A"- "E," respectively.

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, MARJA MARGARET BALTINS, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Maria M. Baltins, WSBA No. 43314 Date MAY 18 2011

Address LAW OFFICE OF MARIA BALTINS, P.S., 7 S. HOWARD ST., SUITE 200, SPOKANE, WA 99201

Last Name _____ Identification No. _____

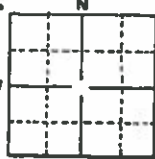
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MAY 19 2011

EXHIBIT "A"

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MAY 19 2011

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Frank N. Elkins</u> Address <u>101 N. 4th</u> <u>Coeur d'Alene, Ida.</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>125</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow <u>25</u> Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																					
2. NATURE OF WORK <u>95-74-N-48</u> ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☒ Bailor ☐ Other Discharge G.P.M. <u>25</u> Draw Down <u>—</u> Hours Pumped <u>4</u>																																																					
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>7"</td><td>0</td><td>12</td><td>Top Soil & Sand</td><td></td><td>✓</td></tr><tr><td></td><td>12</td><td>40</td><td>Sand & fine gravel</td><td></td><td>✓</td></tr><tr><td></td><td>40</td><td>137</td><td>3" gravel & sand</td><td></td><td>✓</td></tr><tr><td></td><td>137</td><td>140</td><td>Sand</td><td></td><td>✓</td></tr><tr><td></td><td>140</td><td>145</td><td>Fine gravel & sand</td><td></td><td>✓</td></tr><tr><td></td><td>145</td><td>160</td><td>Sand</td><td></td><td>✓</td></tr><tr><td></td><td>160</td><td>183</td><td>Sand & 3" gravel</td><td></td><td>✓</td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	7"	0	12	Top Soil & Sand		✓		12	40	Sand & fine gravel		✓		40	137	3" gravel & sand		✓		137	140	Sand		✓		140	145	Fine gravel & sand		✓		145	160	Sand		✓		160	183	Sand & 3" gravel		✓
Hole Diam.	Depth		Material		Water																																																		
	From	To		Yes	No																																																		
7"	0	12	Top Soil & Sand		✓																																																		
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	40	137	3" gravel & sand		✓																																																		
	137	140	Sand		✓																																																		
	140	145	Fine gravel & sand		✓																																																		
	145	160	Sand		✓																																																		
	160	183	Sand & 3" gravel		✓																																																		
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other																																																							
5. WELL CONSTRUCTION Diameter of hole <u>7</u> inches Total depth <u>18.3</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness Diameter From To <u>2.50</u> inches <u>6 3/4</u> inches + <u>1</u> feet <u>170</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number From To _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Johanson</u> Type <u>Stainless steel</u> Model No. _____ Diameter <u>6"</u> Slot size <u>30</u> Set from <u>167</u> feet to <u>172</u> feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>21'</u> Material used in seal ☒ Cement grout ☐ Pudding clay ☐ Well cuttings Sealing procedure used ☐ Slurry pit ☒ Temporary surface casing ☐ Overbore to seal depth																																																							
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Portion of _____ Lot No. _____ Block No. _____ <u>W 1/2 GOUT. LOT #4</u> County <u>Kootenai</u> _____ % _____ % Sec. <u>8</u> T. <u>50</u> N. R. <u>4</u> W.		10. Work started <u>7-18-74</u> finished <u>8-3-74</u>																																																					
		11. DRILLERS CERTIFICATION Firm Name <u>Coeur d'Alene Drilling</u> Firm No. <u>244</u> Address <u>P.O. Box 237</u> Date <u>10-22-74</u> Signed by <u>Hayden Lako, Ida.</u> _____ (Operator)																																																					

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

CANNED
MAY 19 2011

EXHIBIT "B"

SCANNED
MAY 19 2011

Kootenai County, Idaho

generated on 2/18/2011 2:50:03 PM CST

Parcel

Parcel Number	AIN	Situs Address
50N04W080350	118303	6850 E MAPLEWOOD AVE, POST FALLS

Owner Information

Owner Name	HERLING STEPHEN R
Owner Address	PO BOX 3586 POST FALLS ID 83877
Transfer Date	09/29/2006

Location / Description

Tax Authority Group	042000	Current Legal Desc.	TAX #2056, TAX #20698 [IN GOVT LOT 4] 08 50N 04W
Situs Address	6850 E MAPLEWOOD AVE, POST FALLS		
Acreage	.7400		

Parcel Type

Property Class Code	534- Imp res rural tract
Neighborhood Code	2135 NORTH SHORE-REMAINING FRONTAGE

Assessment Information

Appraisal Date	01-01-2010	Current Year - 2010	0	Prior Year - 2009	0
Market Value Land	\$601,218	Homeowners Eligible Amt Land	\$0	Homeowners Eligible Amt Land	\$0
Market Value Improvement	\$308,920	Homeowners Eligible Amt Imp	\$0	Homeowners Eligible Amt Imp	\$0
Total Market Value	\$910,138	Sum Homeowners Eligible Amt	\$0	Sum Homeowners Eligible Amt	\$0
		Homeowners Exemption Allowed	\$0	Homeowners Exemption Allowed	\$0
Acreage	0.7400	Total Market Value	\$910,138	Total Market Value	\$988,988
Front Feet	75.0000	Homeowners Exemption Allowed	\$0	Homeowners Exemption	\$0
		Ag/Timber Exemption	\$0	Ag/Timber Exemption	\$0

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MAY 19 2011

EXHIBIT "C"

SCANNED
MAY 19 2011

Kootenai County, Idaho

generated on 2/17/2011 2:55:47 PM CST

Parcel

Parcel Number	AIN	Situs Address
50N04W080210	153555	,

Owner Information

Owner Name	HERLING STEPHEN R
Owner Address	PO BOX 3586
	POST FALLS ID 83877
Transfer Date	01/01/2006

Location / Description

Tax Authority Group	042000	Current Legal Desc.	E 30' OF W2-TAX#3107 08 50N 04W
Situs Address	,		
Acreage	.2820		

Parcel Type

Property Class Code	512- Rural residential tract
Neighborhood Code	2070 HUETTER AREA

Assessment Information

Appraisal Date	01-01-2010	Current Year - 2010	0	Prior Year - 2009	0
Market Value Land	\$2,862	Homeowners Eligible Amt Land	\$0	Homeowners Eligible Amt Land	\$0
Market Value Improvement	\$0	Homeowners Eligible Amt Imp	\$0	Homeowners Eligible Amt Imp	\$0
Total Market Value	\$2,862	Sum Homeowners Eligible Amt	\$0	Sum Homeowners Eligible Amt	\$0
		Homeowners Exemption Allowed	\$0	Homeowners Exemption Allowed	\$0
Acreage	0.2820	Total Market Value	\$2,862	Total Market Value	\$2,862
		Homeowners Exemption Allowed	\$0	Homeowners Exemption	\$0
		Ag/Timber Exemption	\$0	Ag/Timber Exemption	\$0

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MAY 19 2011

EXHIBIT "D"

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MAY 19 2011

The register dates below represent the life span dates for the posting of the listed companies.
The current dates for these companies are posted with the current REVISED list in the drawing this month.

[illegible]

47



EDFENIA COUNTY
IDAHO

ARCHIVE REVISIONS

DATE	DESCRIPTION	AMOUNT
10-10	PAID DEPOSIT	100.00
10-11	PAID DEPOSIT	100.00
10-12	PAID DEPOSIT	100.00
10-13	PAID DEPOSIT	100.00
10-14	PAID DEPOSIT	100.00
10-15	PAID DEPOSIT	100.00
10-16	PAID DEPOSIT	100.00
10-17	PAID DEPOSIT	100.00
10-18	PAID DEPOSIT	100.00
10-19	PAID DEPOSIT	100.00
10-20	PAID DEPOSIT	100.00
10-21	PAID DEPOSIT	100.00
10-22	PAID DEPOSIT	100.00
10-23	PAID DEPOSIT	100.00
10-24	PAID DEPOSIT	100.00
10-25	PAID DEPOSIT	100.00
10-26	PAID DEPOSIT	100.00
10-27	PAID DEPOSIT	100.00
10-28	PAID DEPOSIT	100.00
10-29	PAID DEPOSIT	100.00
10-30	PAID DEPOSIT	100.00
10-31	PAID DEPOSIT	100.00
11-01	PAID DEPOSIT	100.00
11-02	PAID DEPOSIT	100.00
11-03	PAID DEPOSIT	100.00
11-04	PAID DEPOSIT	100.00
11-05	PAID DEPOSIT	100.00
11-06	PAID DEPOSIT	100.00
11-07	PAID DEPOSIT	100.00
11-08	PAID DEPOSIT	100.00
11-09	PAID DEPOSIT	100.00
11-10	PAID DEPOSIT	100.00
11-11	PAID DEPOSIT	100.00
11-12	PAID DEPOSIT	100.00
11-13	PAID DEPOSIT	100.00
11-14	PAID DEPOSIT	100.00
11-15	PAID DEPOSIT	100.00
11-16	PAID DEPOSIT	100.00
11-17	PAID DEPOSIT	100.00
11-18	PAID DEPOSIT	100.00
11-19	PAID DEPOSIT	100.00
11-20	PAID DEPOSIT	100.00
11-21	PAID DEPOSIT	100.00
11-22	PAID DEPOSIT	100.00
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11-24	PAID DEPOSIT	100.00
11-25	PAID DEPOSIT	100.00
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11-27	PAID DEPOSIT	100.00
11-28	PAID DEPOSIT	100.00
11-29	PAID DEPOSIT	100.00
11-30	PAID DEPOSIT	100.00
11-31	PAID DEPOSIT	100.00
12-01	PAID DEPOSIT	100.00
12-02	PAID DEPOSIT	100.00
12-03	PAID DEPOSIT	100.00
12-04	PAID DEPOSIT	100.00
12-05	PAID DEPOSIT	100.00
12-06	PAID DEPOSIT	100.00
12-07	PAID DEPOSIT	100.00
12-08	PAID DEPOSIT	100.00
12-09	PAID DEPOSIT	100.00
12-10	PAID DEPOSIT	100.00
12-11	PAID DEPOSIT	100.00
12-12	PAID DEPOSIT	100.00
12-13	PAID DEPOSIT	100.00
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12-25	PAID DEPOSIT	100.00
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12-27	PAID DEPOSIT	100.00
12-28	PAID DEPOSIT	100.00
12-29	PAID DEPOSIT	100.00
12-30	PAID DEPOSIT	100.00
12-31	PAID DEPOSIT	100.00

10-10-10
 10-10-10

NOTE:

As up to 100 copies are given away, we encourage you to call today to reserve yours. The first 100 copies are given away free of charge. The next 100 copies are given away for \$1.00. The remaining 100 copies are given away for \$2.00. The total number of copies given away is 300. The remaining 700 copies are available for purchase at \$2.00 each. The total number of copies available is 1000. The total number of copies given away is 300. The remaining 700 copies are available for purchase at \$2.00 each. The total number of copies available is 1000.

For more information, call 1-800-828-8282. Or visit our website at www.8008288282.com.

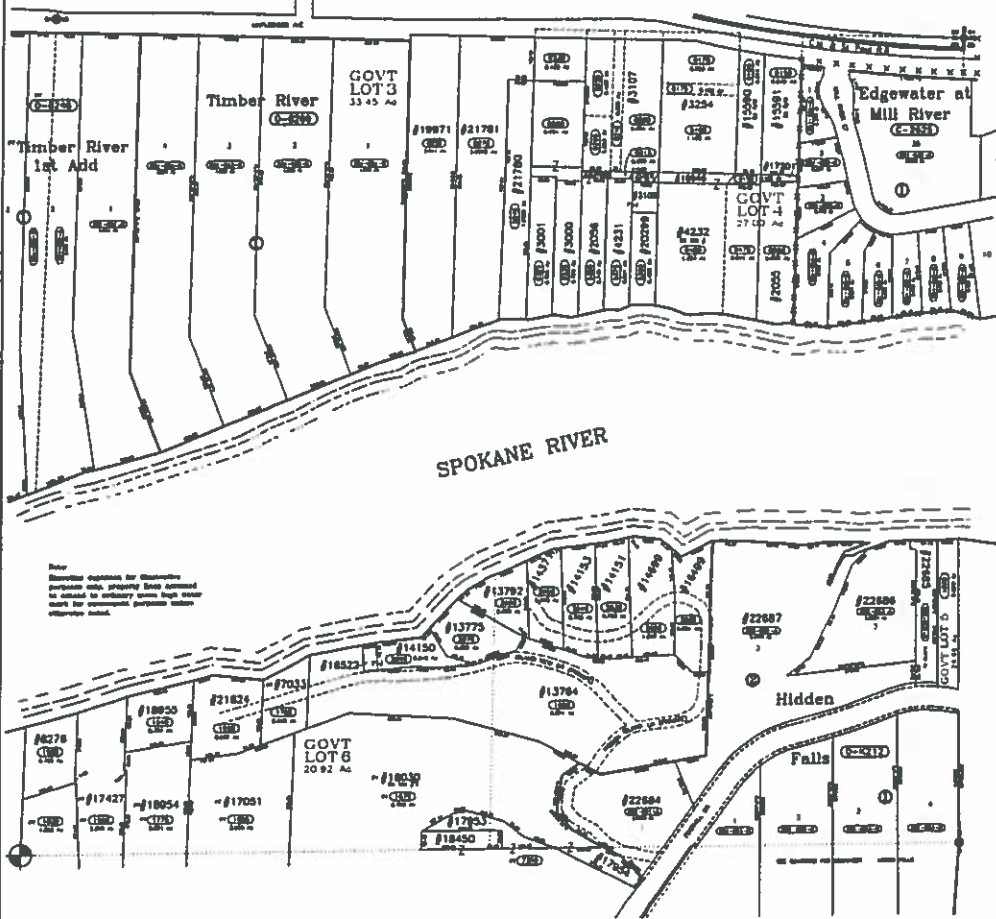
THESE

 President of Survey unit

RECEIVED **1966**

NE 1/4 Sec. 8 Twp. 50 N. R. 4 W.B.M.

SONO4W-08



SCALE: 1 INCH = 200 FEET

NE 1/4 Sec.8 Twp.50N. R.4W.B.M

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MAY 19 2011

EXHIBIT "E"

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MAY 19 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO
THE USE OF WATER FROM THE COEUR D'ALENE-
SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 95-8230

Date Received: 12/29/2009

Receipt No: T089809

Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED
UNDER STATE LAW

1. Name of Claimant(s)

STEPHEN HERLING Phone:(208) 664-9181
PO BOX 3586
POST FALLS ID 83877

2. Date of Priority: 10/6/1982

3. Source: SPOKANE RIVER Tributary to: COLUMBIA RIVER

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
50N	04W	8	NE NE	4	KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
IRRIGATION	3 /15 10/15	0.02	3.5

7. Total Quantity Appropriated is: 0.02 C.F.S. and/or 3.5 A.F.A

8. Non-irrigation uses:

9. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
50N	04W	8	NE NE	4	IRRIGATION	1

Section Acres 1

10. Place of use in counties: KOOTENAI

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description
IRRIGATION

95-8230

1/11/2010

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MAY 19 2011

14. Basis of Claim: License

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

_____ of _____
Title Organization

That I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date: _____

Title and Organization _____

Please print name