

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Marie Martin,

being duly sworn, says that she is the Co-Publisher of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 6th day of June, 1974, and

ending on the 13th day of June, 1974, and that said notice was published in said newspaper proper, and not in supplemental form.

Marie Martin

Subscribed and sworn to before me this

13th day of June, 1974.

George C. Connolly
Notary Public for Idaho,

Residing at Priest River, Idaho.

RECEIVED

JUN 13 1974

Department of Water Administration
Northern District Office

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4050

Notice is hereby given that Benton A. &/or Estella G. Day, Route 5, Box 176, Priest River, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, B.M., Bonner County (Block 2, Lot 8, Schneiders Beach No. 1).

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1963; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, 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 Priest River Times, Priest River, Idaho on June 6 and June 13, 1974.

23-2t

97 4050

97 4050

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 97-4050

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ton A. &/or Estrella G. Day, Route
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from Jan. 1 to Dec. 31 for domes-
tic purposes with a priority of
1963; the place of use is within
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N,
R. 5W, B.M.

Any exception to this claim of
Idaho Department of Water Ad-
ministration, 401 Front Avenue,
Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON,
Director.

Published in the Priest River
Times, Priest River, Idaho on June
6 and June 13, 1974.

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96 4050

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Benton A. & Estella G. Day
(name of claimant)
of Rt. 5 Box 176 Priest River, Idaho. 83856, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to ground water 1958 to 1974;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|-------------|----|------------------------|
| Amount | <u>0.04</u> | Use | <u>domestic</u> | Period of Use: From | <u>Jan.</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) |

- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1963

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.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 12, Twp. 60 N Rge. 5W B.M. County of Bonner
Additional points of diversion: Blk. 2. S. 50 ft. of lot 8E.
20-11670 Schneiders Beach NO. 1

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. Pump ½ hp. 30 gal. tank

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
60N	5W	12									X								

Total No. of acres _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: domestic 1 household

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

(8) Remarks

Scale: 2 inches equal 1 mile.

State of Idaho

SS.

the atlant's knowledge.

(Clamant)

1974

Residing at 12005 E. Sprague, Spokane Washington.

~~My commission expires May 5th, 1977.~~

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to	Date
CP	3-29-14			
Prelim. check by	Date		claimant by:	
PC	5-29-14			

Date 5-29-74 #14103

Date _____

Prelim. check by \$10.00 fee received by

Approved for publication by _____

Published in Pest River Times

Dates 6-6 Y 6-13 74

Affidavit of Publication

STATE OF IDAHO

County of Bonner,

ss.

Mario Martin,

being duly sworn, says that she is the Co-Publisher of the PRIEST RIVER TIMES, a weekly newspaper printed and published at Priest River, Bonner County, Idaho, and has been continuously and uninterruptedly published in said County during a period of 78 consecutive weeks prior to the first publication of the annexed notice for publication, is a newspaper of general circulation made up of at least eight pages of at least seven columns each, printed from typematter or stereotyped forms of at least nineteen and three-fourths inches depth, has at least 1250 bona fide subscribers living within said Bonner County, and is published at regular weekly intervals. That the annexed is a true copy of the notice for publication in the case of

Notice of Claim to a Water Right

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 6th day of June, 1974, and

ending on the 13th day of June, 1974, and that said notice was published in said newspaper proper, and not in supplemental form.

Mario Martin

Subscribed and sworn to before me this

13th day of June, 1974.

George C. Connelly
Notary Public for Idaho,
Residing at Priest River, Idaho.

RECEIVED

WATER RIGHTS
DIVISION
JUN 13 1974

NOTICE OF CLAIM TO A WATER RIGHT NO. 97-4050

Notice is hereby given that Benton A. &/or Estella G. Day, Route 5, Box 176, Priest River, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground water source with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, B.M., Bonner County (Block 2, Lot 8, Schneiders Beach No. 1).

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1963; the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, 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 Priest River Times, Priest River, Idaho on June 6 and June 13, 1974.

23-2t

97 4050

97 4050

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

June 25, 1974

Re: Claim to a Water Right No. 97-4050

Benton A. &/or Estella G. Day
Route 5, Box 176
Priest River, ID 83856

Dear Mr. and Mrs. Day:

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

97 4050

June 3, 1974

Re: Claim No. 97-4050 - Benton A. &/or Estella G. Day

Priest River Times
P.O. Box 398
Priest River, ID 83856

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 time for you to submit us a galley proof for review before the second 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 second 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

Bill submitted 6-17-74 by CP

97 4050

NOTICE OF CLAIM TO A WATER RIGHT

NO. 97-4050

Notice is hereby given that Benton A. &/or Estella G. Day.

Route 5, Box 176, Priest River, Idaho

~~have~~
~~xxx~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~gallons per minute~~
of water from a ground water source

with point of diversion in the NE 1/4, Sec. 12, T. 60N, R. 5W, B.M.,
Bonner County (Blok 2, Lot 8, Schneiders Beach No. 1)

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

with a priority of 1963;

the place of use is within the NE 1/4, Sec. 12, T. 60N, R. 5W, 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 Priest River Times, Priest River, Idaho
on June 6 and June 13, 1974

**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 197-4050

Notice is hereby given that Ben-

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of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N, R. 5W, B.M., Bon-

ner County (Block 2, Lot 8,

Schneiders Beach No. 1).

The water is claimed to be used

from Jan. 1 to Dec. 31 for domes-

tic purposes with a priority of

1963; the place of use is within

the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 60N,

R. 5W, B.M.

Any exception to this claim of

water right may be filed with the

Idaho Department of Water Ad-

ministration, 401 Front Avenue,

Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON,

Director,

Published in the Priest River

Times, Priest River, Idaho on June

6 and June 13, 1974.

23-21

0505 40

May 31, 1974

Re: Claim to a Water Right No. 97-4050

Mr. Benton A. Day
Route 5, Box 176
Priest River, ID 83856

Dear Mr. Day:

Attached is your receipt No. 14103 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

97 4050

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

December 6, 1973

Benton A. Day
Route #5
Priest River, ID 83856

Dear Mr. Day:

We are returning your Claim to a Water Right for clarification of several items. We are not sure if you are claiming the right to a spring, a well, or perhaps both. We can accept only one source per claim.

Under Item #1, you should list the source of water. Under Item #2, you should list all the uses of the water. A domestic use would include up to one-half acre of irrigation of lawn and garden. If you are irrigating more than one-half acre, you should list irrigation as a separate use. Under this item you should also indicate the amount of water per use.

The priority claimed under Item #4 should be when the water was first beneficially used, either by you or by previous owners.

We appreciate your assistance in this matter, and if you should have any questions, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

Enclosures

97 4050

November 20, 1973

Benton A. Day
Route #5
Priest River, ID 83856

Dear Mr. Day:

An Application for Permit must be filed to develop a legal water right on any water diverted from a ground water source after March 25, 1963 (excepting a well drilled for a single household). Any surface water diverted after May 20, 1971, must also be preceded by an approved permit from this Department. The above includes proposed new systems and enlargements of existing systems for development of larger quantities of water (Section 42-201 through Section 42-229, Idaho Code).

Existing water rights developed through diversion and application of water to a beneficial use prior to the above dates, may be recorded by filing a Claim to a Water Right with our Department; however, it is not mandatory to do so (Section 42-225b, Idaho Code).

We have enclosed an Application for Permit form and also a Claim to a Water Right form for your use. Please complete the necessary form and return it to our office along with the required filing fee.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

Enclosures

97 4050

97 4060

Send Form Letter

RECEIVED

NOV 18 1973

Department of Water Administration
Northern District Office

RECEIVED

NOV 18 1973

Department of Water Administration
NOV 18 1973

Mr. Keith Higginson
Bureau of Reclamation
State House, Boise. Idaho

Dear Sir;

Would you send me a couple forms, for filing water rights,
in the Priest Lake area. Also information how about filing,
address, and fee.

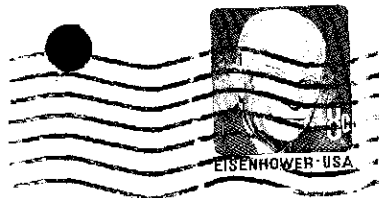
Thank you, Yours Truly,

Benton A. Day.

B. A. Day

97 4050

Benton, A. Day
Rt. 5 Priest River.
Idaho. 83856



Mr. Keith Higginson
Bureau of Reclamation
Statehouse
Boise, Idaho. 83707

37 4050