

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

95-4419

BENING, JAMES B.
202 LAKEVIEW DR., COEUR
D'ALENE, ID 83814
Source: FERNAN LAKE
Priority Date: 01/01/1956
Amount: 0.04 CFS
Diversion Point: LOT 01 (SESE)
Sec 18 T 50N R 03W, KOOTENAI
Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: LOT 01 (SESE) Sec
18 T 50N R 03W
Diversion Means: PUMP & PIPE

95-4420

ERICKSON, GEORGE W.
P.O. BOX 56, HAYDEN LAKE,
ID 83835
Source: GROUNDWATER
Priority Date: 07/01/1951
Amount: 0.10 CFS
Diversion Point: LOT 01 Sec 19 T
51N R 03W, KOOTENAI Co.
Use: DOMESTIC (0.10 CFS) from
01/01 to 12/31
Place of Use: LOT 01 (NWNW)
Sec 19 T 51N R 03W
Diversion Means: PUMP
95-4421
SKONE, RICHARD

P.O. BOX 81, WARDEN, WA.
98857
Source: UNNAMED SPRING
Priority Date: 01/01/1946
Amount: 0.33 CFS
Diversion Point: LOT 02 Sec 20 T
48N R 04W, KOOTENAI, Co.
Use: DOMESTIC (0.33 CFS) from
01/01 to 12/31
Place of Use: LOT 02 (NWSW)
Sec 20 T 48N R 04W
Diversion Means: COLLECTION
BOX & RESERVOIRS.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 4055 Gov't
Way, Coeur d'Alene, Id, 83814.

C. STEPHEN ALLRED
Director

Legal 899
June 28, July 5, 1979

STATE OF IDAHO,
County of Kootenai, } ss.

Coeur d'Alene being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *Notice*

of which the annexed is a printed copy, was published in the regular *Three*
issue of said newspaper for *2* consecutive *(Weeks)*,
commencing on the *5* *28* day of *June*, 19 *79*, and
ending on the *July* day of *19*, 19 *79*, and such
publication was made as often during said period as said *daily*
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Coeur d'Alene
Subscribed and sworn to before me this *5* day of *July*, 19 *79*

51.60
LEADER

Roberta M. Moley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

THEIS SUBDIVISION

12/18902

58

LOT 1 SEC. 17 T.50N. R.3 W.B.M.
LOT 1 SEC. 18 T.50N. R.3 W.B.M.

SCALE 1" = 100'

**CERTIFICATES OF APPROVAL
COUNTY COMMISSIONERS**

Approved this 20th day of September 1954

Chairman
Board of County Commissioners, Kootenai Co. Idaho

CITY COUNCIL COEUR D'ALENE, IDAHO

This subdivision was approved by regular meeting of the City Council on 20 day of September 1954. In witness whereof the City Engineer and City Clerk have set their hands and seals this 27 day of September 1954.

Ernest Capomillillo
City Engineer

Ch. Mackley
City Clerk

ACKNOWLEDGEMENT

COUNTY OF KOOTENAI) ss
STATE OF IDAHO)

known to all to be the identical persons who executed the within and forging instrument, and acknowledged it to be their free and voluntary acts for the purposes and uses herein mentioned. In witness whereof I have set my hand and affixed my official seal this 1 day of September 1954

My Commission expires June 22, 1917

Franklin D. Greene
 NOTARY PUBLIC in and for the State of Idaho

COUNTY SURVEYOR APPROVAL

Approved as accurate under the Idaho Code
Sections 50-2501-2502. Sept 11, 1954.

Steven T. Shepherd
MOOREHEAD COUNTY, TENNESSEE

"This plat is made solely for the purpose of assisting in locating said land, and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey."

SURVEYORS CERTIFICATE

1. Chester C. Ellison, a licensed Surveyor of the State of Idaho, do hereby certify that the subdivision plot herewith is a correct record of a survey made by me & established on the ground under the direction of the owners to be known as THEIS SUBDIVISION, BLOCK 1, and more particularly described as follows:

[illegible]

Licensed Surveyor State of Idaho License No. 655

ACKNOWLEDGEMENT

On this 13 day of March 1954 before me personally appeared Chester C. Elliott known to me to be the person who executed the within and foregoing instrument in witness whereof I have set my hand and affixed my official seal this 13 day of March 1954.

NOTARY PUBLIC in and for the State of Nevada

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that James B. Bening
(Name of Claimant)
202 Lakeview Drive, Coeur d'Alene, Idaho 83814 Telephone No. 664-9740
(Mailing Address) (Zip Code)

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

(1) Date of priority: (When was the water first applied to a beneficial use) 1956

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Fernan Lake tributary to _____

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>0.04</u>		<u>Domestic</u>		<u>1/1</u>	<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
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.04 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
(GL. 1) SE ¼ SE ¼, Sec. 18 Twp. 50N Rge. 3W B.M., County of Kootenai

Additional points of diversion: _____
aka Lot 2, Block 1, Theis Subdivision

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. Describe any changes in the system and give the date of the change. Pump & Pipeline

(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	
<u>50N</u>	<u>3W</u>	<u>18</u>																<u>X (GL. 1)</u>	

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic for 1 household, lawn & Garden

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

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

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Scale: 2 inches equal 1 mile.

section, township and range of the public land survey system.

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 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

attendant's knowledge.

Sworn to before me this 13th day of

Coeur d'Alene

My commission expires _____
Lifetime

FOR DEPARTMENT USE ONLY

Forwarded to
claimant by:
Date

Date
Date

3/79

Exception filed by:

Forwarded to
claimant by:

Date _____

Published in _____
Dates _____

Payment, check by

Received by

Date
Date

3/79

Exception filed by:

Forwarded to
claimant by:

Date _____

Dates

Published in

THE UNIVERSITY OF CHICAGO

Received by

Date
Date

5/79

Exception filed by:

Forwarded to
claimant by:

Date _____

Dates

Published in

THE UNIVERSITY OF CHICAGO

Received by

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

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202 LAKEVIEW DR., COEUR
D'ALENE, ID 83814
Source: FERNAN LAKE
Priority Date: 01/01/1958
Amount: 0.04 CFS
Diversion Point: LOT 01 (SESE)
Sec 18 T 50N R 03W, KOOTENAI
Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: LOT 01 (SESE) Sec
18 T 50N R 03W
Diversion Means: PUMP & PIPE

95-4420

ERICKSON, GEORGE W.
P.O. BOX 56, HAYDEN LAKE,
ID 83835
Source: GROUNDWATER
Priority Date: 07/01/1961
Amount: 0.10 CFS
Diversion Point: LOT 01 Sec 19 T
51N R 03W, KOOTENAI Co.
Use: DOMESTIC (0.10 CFS) from
01/01 to 12/31
Place of Use: LOT 01 (NWNW)
Sec 19 T 51N R 03W
Diversion Means: PUMP

95-4421

SKONE, RICHARD
P.O. BOX 81, WARDEN, WA.
98857
Source: UNNAMED SPRING
Priority Date: 01/01/1946
Amount: 0.33 CFS
Diversion Point: LOT 02 Sec 20 T
48N R 04W, KOOTENAI, Co.
Use: DOMESTIC (0.33 CFS) from
01/01 to 12/31
Place of Use: LOT 02 (NWSW)
Sec 20 T 48N R 04W
Diversion Means: COLLECTION
BOX & RESERVOIRS.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department
of Water Resources, 4055 Gov't
Way, Coeur d'Alene, Id, 83814.

C. STEPHEN ALLRED
Director

Legal 899
June 28, July 5, 1979

STATE OF IDAHO,
County of Kootenai, } ss.

David Hedge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice

of which the annexed is a printed copy, was published in the regular Three
issue of said newspaper for 2 consecutive Weeks,
commencing on the 28 day of June, 1979, and
ending on the July day of July, 1979, and such
publication was made as often during said period as said Daily
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in
said Kootenai County, during a period of more than seventy-eight consecutive weeks
immediately prior to the first publication of said notice.

Subscribed and sworn to before me this 5 day of July,
1979

Robert M. Smith
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RAA

Right Number 95-4419 Applicant Benking

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By ms. Date 7/17/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jwi Date 7/29/79

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CHH1121

BLOCK 1

LOT 1 SEC. 17 T. 50N. R. 3 W. B. M.
LOT 1 SEC. 18 T. 50N. R. 3 W. B. M.

SEP 1954
9:47
58
James E. Higgins
B. Macquett
100

Chairman
Board of County Commissioners, Kootenai Co. Idaho

James C. Foxmiller
City Engineer

Ala. Railway
City Clerk

COUNTY OF KOOTENAI,) ss
STATE OF IDAHO)

Notary Public in and for the State of Idaho

Approved as accurate under the Hatch Code
Sections 50-2501-2502. Sept 11, 1954.

Steven T. Sheppard
NORTHERN COUNTY SHERIFF

"This plat is made solely for the purpose of assisting in locating said land, and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey."

[illegible]

He was personally appeared Charles C. Elliott, the within and foregoing defendant, in witness whereof and in testimony of the truth of the foregoing facts, this 22nd day of January, 1935.

Notary Public in and for the State of Maryland.

MICROFILMED

95-4419

BENING, JAMES B.

202 LAKEVIEW DR., COEUR D'ALENE, ID 83814

Source: FERNAN LAKE

Priority Date: 01/01/1956

Amount: 0.04 CFS

Diversion Point: LOT 01 (SESE) Sec 18 T 50N R 03W, KOOTENAI Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: LOT 01 (SESE) Sec 18 T 50N R 03W

Diversion Means: PUMP & PIPE

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

JULY 16, 1979

JAMES B. BENING
202 LAKEVIEW DR.
COEUR D'ALENE

ID 83814

RE: Claim No. 95-4419

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

REPROFILED