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Identification No. 95-4068 P

Claim No. _____

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

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 Kenneth C. Harrington
post office address 8112 E. Marietta, Spokane, WA 99206

2. The point of diversion is in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 17 Township 48N
Range 4W B.M. located on Unnamed Spring
(name of source)

tributary to _____ in Kootenai 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:

June 1, 1954 amount: 0.02 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet
Total claimed 0.02 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 Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (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 see item #9
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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 _____

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b. Do you get water through a ditch owned by several users? _____ 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 _____

7. Where water is used for domestic or municipal purposes give number of families served _____
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 _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
1 h.p. pump from 2½' dry 6' deep tile box in spring, Lot 4, Rockford Bay
Summer Homes.

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 affiants knowledge.

Kenneth C. Harrington
Claimant

Sworn to before me this 27TH day of MARCH, 1973.

Coda M. Roberts
Notary Public

Residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>CB</u>	Date <u>27 Mar 73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CB</u>	Date <u>27 Mar 73</u>	<u>#8594</u>	claimant by:	
Fee received by <u>CB</u>	Date <u>27 Mar 73</u>	Fee <u>\$10.00</u>		
Approved for publication by <u>FLS</u>	<u>3/29/73</u>			
Published in <u>Co. Press</u>	Dates <u>4-5-73</u>			

4-12-73

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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:		May 18, 1871	amount:	0.8 c.f.s. or	acre feet
		June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:		1.2 c.f.s. or	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 it 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

AFFIDAVIT OF PUBLICATION - COEUR D'ALENE PRESS

(WEEKLY) **DECEITIVE D**

STATE OF IDAHO,

County of Kootenai, } ss.

APR 16 1973

Callie Painter
deposes and says:

Department of Water Administration
being first duly sworn

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on ~~Wednesdays~~ *Thursdays* and that the

Notice of Claim
95-4068

of which a printed copy is annexed hereto, was published in all the regular ~~Wednesday~~ *Thursday*

weekly issues of said newspaper for *two* consecutive weeks, commencing

on the *5* day of *April*, 19*73*, and ending on the

12 day of *April*, 19*73*.

Callie Painter

Subscribed and sworn to, before me, this *12* day of *April*,

19 *73*

E. Patrick King
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 95-4068

Notice is hereby given that Kenneth C. Harrington, 8112 E. Marietta, Spokane, Washington has filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 48N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of June 1, 1954; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 48N, R. 4W, 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

April 5, 12, 1973

95 4068

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

April 24, 1973

Re: Claim to a Water Right No. 95-4068
" " " " " " 95-4069

Kenneth C. Harrington
8112 E. Marietta
Spokane, WA 99206

Dear Mr. Harrington:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims 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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copies

95 4068

March 30, 1973

Re: Application No. 95-7269 - Jerry E. &/or Betty Rose Hogan
Claim No. 95-4067 - Marvin Odegaard
" " 95-4068 - Kenneth C. Harrington
" " 95-4069 - " " "

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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 4-23-73 by CR

FE:CR

Enc: Legal Notices (4)

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8112 E. Marietta, Spokane, Washington

has filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~XXXXXX~~
of water from an Unnamed Spring

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 48N, R. 4W, B.M.,

Kootenai County

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

with a priority of June 1, 1954;

the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 48N, R. 4W, 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 Coeur d'Alene Press, Coeur d'Alene, Idaho

on April 5 and April 12, 1973

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R. KEITH HIGGINSON
Director

April 5, 12, 1973

O.K.
4-11-73
CR

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