

RECEIVED

APR 02 2009

DEPARTMENT OF
WATER RESOURCES

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

March 31, 2009

Re: Evidence of Priority Date
Claim number 95-10032

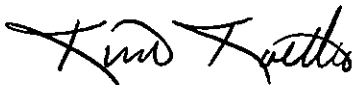
Dear Sir,

Enclosed are documents copied at the Kootenai County Courthouse, Records Department March 30, 2009. They include evidence of the original residence, electric easement, and most importantly, the water system described in our application your office received January 14, 2009.

The earliest priority date I have found related directly to the water use is Feb. or March 1967 (document #3 Warranty Deed 506538) describing the domestic water system developed by the original owner/occupants of our home. Our application listed 1965 as the priority date since that is when the house was built and power installed (documents 1 and 2). I believe that the system must have been installed prior to the warranty deed being issued, because the property is on steep ground, one half mile from the nearest gravel county road. Power and water were probably necessary to complete the residence. The developed spring is located below the road and 100 feet from the house, so power was also needed to pump water to the building site.

In conclusion, the documented evidence sufficiently supports the priority date as either 1965 or 1967, your decision of course, the domestic use of the water, and the parcel of land on which it is used, as presented in the brochure you sent me entitled "Evidence of Priority". If further information is needed, please contact me at your convenience.

Sincerely,



Kurt Koetter
16757 W Nelson Loop
Rathdrum, ID 83858

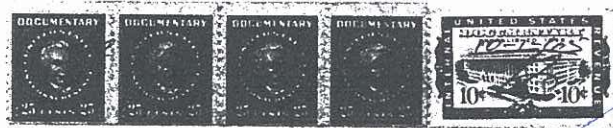
208-687-1289
sskoetter@hotmail.com

Enclosures: 3

11



Elma L. Shaner
 Elma L. Shaner



STATE OF IDAHO :
 County of Kootenai : ss

On this 30th day of October, 1964, before me, the undersigned
 Notary Public, personally appeared Elma L. Shaner, a widow, known
 to me to be the person whose name is subscribed to the foregoing instru-
 ment and acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my
 notarial seal the day and year in this certificate first above written.

Edith Morris
 Notary Public for Idaho
 Residing at Coeur d'Alene
 My Commission Expires 6-8-67

W.O. 1033-360.4-844

Document 2

4734C8
 202 PAGE 482

RIGHT OF WAY EASEMENT

WHEREAS the undersigned has executed a service extension agreement with THE WASHINGTON
 WATER POWER COMPANY providing for electric service at the premises hereinafter described, the fur-
 nishing of which will necessitate the construction of electric lines;

NOW, THEREFORE, For a valuable consideration, the undersigned does by these presents convey
 and warrant to The Washington Water Power Company, a corporation, its successors and assigns, the right
 to erect, construct, reconstruct and maintain such electric line or lines as shall be necessary to furnish elec-
 tric service to the undersigned and other customers of said Company executing similar service extension
 agreements, over, along and across the following described property in Kootenai County,
 State of Idaho, to-wit:

NE 1/4, Sec 29 Twp 52, Rge 5 WPM.

It is understood and agreed that said easement covers the right to install
 seven (7) poles and three (3) anchors in the southerly portion of the above
 described property as now surveyed and staked thereon; together with the right
 of overhang between said poles and extending westward from the easterly line of
 said property.

Filed and recorded at the request of THE WASHINGTON WATER POWER CO.
 at 10:23 o'clock P.M. this 4th day of Oct, 1965
 HAROLD E. PETERSON By *Harold Peterson*
 Ex-Officio Auditor-Recorder Deputy
 Kootenai County, Idaho Fee \$ 1.00

Return to THE WASHINGTON WATER POWER CO.
800 West 1445, Spokane, WY. 99210

together with the right to inspect said line and to remove brush and trees that may interfere with the con-
 struction, maintenance and operation of the same.

Witness *own* hand this 30th day of Sept, 1965

Harold Peterson
Harold A. Peterson

100

PERSON

COMPARED

506538

WARRANTY DEED

For Value Received

JOHN P. MOLONEY and GENEVA MOLONEY, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

FRED S. WELK and JOAN W. WELK, husband and wife,

the grantees, the following described premises, in Kootenai County Idaho, to wit:

A portion of the NE $\frac{1}{4}$ Section 29, township 52 North, Range 5 W.B.M., Kootenai County, State of Idaho; more specifically described as follows: Beginning at the E $\frac{1}{4}$ corner of section 29, township 52 North, range 5 W.B.M., Kootenai County, State of Idaho; thence North 71° 08' west, 1184.46 ft. to an iron pin which is the true point of beginning for this description; thence South 82° 36' west, 275.95 ft to an iron pin; thence South 57° 39' West, 251.03 ft to an iron pin; thence North 30° 44' West, 109.03 ft to an iron pin; thence due North, 2320.86 ft to a point on the North line of said section 29; North 89° 35' East, along the North line of said section 29, 542.25 ft; thence due South 2248.17 ft. to the true point of beginning.

TOGETHER WITH an easement to be enjoyed equally with grantors, in and to the existing water system consisting of a well, pump, reservoir and connecting pipelines, on other of grantors' lands adjoining the above described property, with the right in both grantors and grantees to domestic water therefrom, and with both grantors and grantees to bear one-half of the cost and expense of the operation and maintenance thereof; AND FURTHER EASEMENT in grantees for grantees' private pipeline as presently installed and located connecting said water system with the above described real property, with the right to enter into grantors' lands for the care and maintenance thereof;

TOGETHER WITH a further easement in grantees for ingress and egress to and from the county road to the property herein conveyed and over, across and along the existing principal private roadway therefor.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances EXCEPT 1966 taxes; roadway, etc. easement, Book 110 of Deeds, Page 229; electric line, etc. easement, filed as document No. 473408.

and that the Ywill warrant and defend the same from all lawful claims whatsoever.

Dated: FEBRUARY 14, 1967.

STATE OF IDAHO, COUNTY OF Spokane

On this day of February, 1967, before me, a notary public in and for said State, personally appeared John P. Moloney and Geneva Moloney, husband and wife,

known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at Spokane, Washington, Idaho.
Comm. Expires

STATE OF IDAHO, COUNTY OF Kootenai

I hereby certify that this instrument was filed for record at the request of Fred S. Welk

at 10 minutes past 9 o'clock a.m., this 14th day of February, 1967, in my office, and duly recorded in Book of Deeds at page

HAROLD E. PETERSON

Ex-Officio Recorder

By

Deputy.

Fees \$
Mail to:

W. 502 - 212

Spokane, Wn.

INSTRUMENT NO