

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 95-7016

Date Received: 6/3/10

Receipt No: PD 24-703

Received By: KC

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Earl G. Lunceford and Judith A. Lunceford Living Trust Phone (208) 667-0100

Mailing Address P.O. Box 2350 Coeur d'Alene, ID ZIP 83816
Street or Box City State

2. Date of Priority (Only one (1) per claim) May 23, 1968
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (X) (a) Fernan Creek
which is tributary to (b) Fernan Lake

4. a. Location of Point of Diversion is: Township 50 N, Range 3 W, Section 10,
SE, 1/4 of SW, 1/4 Govt. Lot -, BM., County of Kootenai

Parcel (PIN) no. 50N03W109200

Additional points of diversion if any: N/A

If available, GPS Coordinates N/A

b. If instream flow, beginning point of claimed instream flow is:

Township 50 N, Range 3 W, Section 10, SE, 1/4 of SW, 1/4

Govt. Lot -, BM., County of Kootenai

ending point is: Township 50 N, Range 3 W, Section 10, SE, 1/4 of SW, 1/4

Govt. Lot -, BM., County of Kootenai

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.

A diversion pipe as described in the Water Right License (attached)
and distribution piping for irrigation purposes as described,
and where authorized, by said permit.

SCANNED

JUN - 6 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 7/1 to 10/31 amount 0.38 or 92 acre feet

For _____ purposes from _____ to _____ amount _____ or 3.5 af per acre

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.38 cfs (cfs) and/or (b) - 92 - (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50 N	3 W	10									15			31					46

Parcel (PIN) no(s). 50N03W109200

Total number of acres irrigated 46

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 your 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.

Please see attached narrative. or None ()

13. Remarks:

Please see attached narrative and related documents
attached hereto.

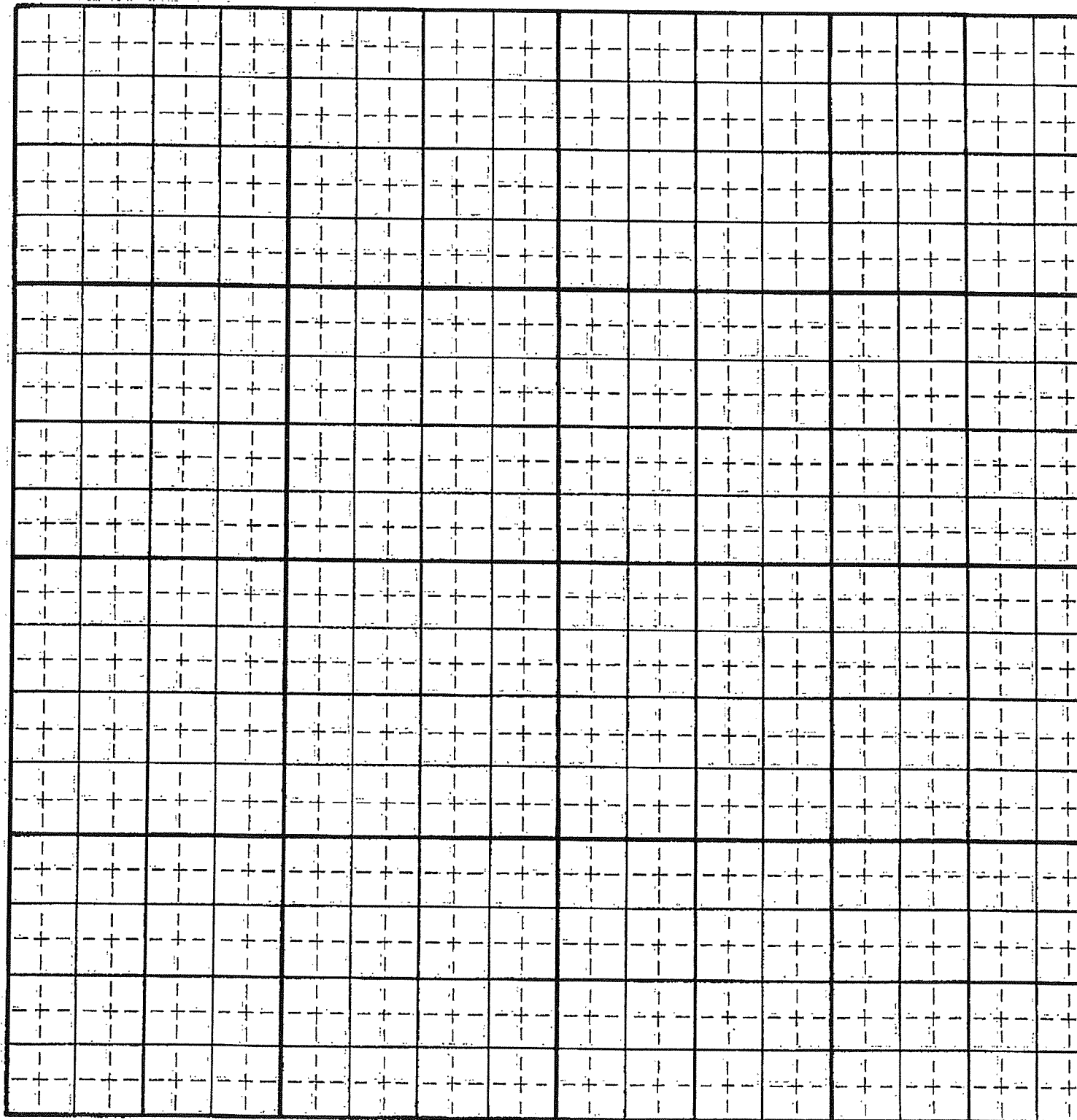
Last Name Lunceford (Bookkeeper) Identification No. 95-7016

JUN - 1 2010

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

(Attached)

Scale: 2 Inches equals 1 mile



Last Name Luncoford
(Bookkeeper)

Identification No. 95-7016

JUN - 4 2010

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 95-7016

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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Four (4)

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) John F. Magnuson Date: 6/3/10
Attorney in fact 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, John F. Magnuson, 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 John F. Magnuson

Address P.O. Box 2350 Coeur d'Alene, ID 83816

Date 6-3-10

Last Name Lunceford Identification No. 95-7016
(Bookletter)

JUN - 4 2010

**EARL G. LUNCEFORD AND JUDITH A. LUNCEFORD
LIVING TRUST
“NOTICE OF CLAIM TO A WATER RIGHT”**

ADDENDA

<u>NUMBER</u>	<u>DESCRIPTION</u>
A	Narrative response to question 12
B	Copy of License No. 95-7016
C	Legal description
D	Aerial photograph (depicting location of ponds)
E	Tax map

SCANNED

JUN - 4 2010

**EARL G. LUNCEFORD AND JUDITH A. LUNCEFORD
LIVING TRUST
"NOTICE OF CLAIM TO A WATER RIGHT"**

ADDENDUM A: RESPONSE TO QUESTION 12

The Applicant's property consists of 139.626+/- acres. Separately filed herewith are four (4) additional Notices of Claim. One Notice of Claim has been filed for stockwater purposes (10AFY for two spring-fed ponds). Another has been filed for a 1993 well. Another has been filed for Water Right License 95-7016, with a priority date of May 23, 1968 (issued January 7, 1975). Another has been filed for an artesian spring in proximity to the main dwelling on the property which is further described in that application and which includes a 5,000 holding tank. A further application has been filed for an additional artesian spring, with a pump and related housing, as described in that application, which serves for irrigation purposes.

SCANNED

JUN - 4 2010

1638570

When recorded, return to:

Attorney Daniel B. DeRuyter
Douglas, Eden, Phillips & DeRuyter, P.S.
422 West Riverside Avenue, Suite 909
Spokane, Washington 99201-0307

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
AT THE REQUEST OF

Daniel B. DeRuyter

JUN 15 10 16 AM '00

DANIEL J. ENGLISH *dm*

FEES DEPUTY 15.00

QUIT CLAIM DEED

THE GRANTORS, EARL G. LUNCEFORD and JUDITH A. LUNCEFORD
husband and wife, for and in consideration of transfer to living trust, convey and quit
claim to EARL G. LUNCEFORD and JUDITH A. LUNCEFORD, Co-Trustees of the
Earl G. Lunceford and Judith A. Lunceford Living Trust dated the 30 day of
May, 2000, the following described real estate, situated in the County of
Kootenai, State of Idaho, including any interest therein which grantor may
hereafter acquire:

See Exhibit "A" attached and by this reference made a part hereof.

DATED this 30 day of May, 2000.

Earl G. Lunceford
EARL G. LUNCEFORD

Judith A. Lunceford
JUDITH A. LUNCEFORD

R0525SBA

EXHIBIT

C

COANNED

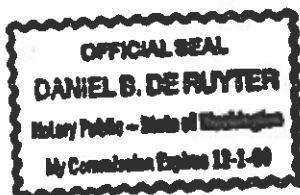
JUN - 4 2010

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STATE OF Wash.)
County of Spokane) : ss.

On this 30th day of May, 2000, before me personally appeared EARL G. LUNCEFORD and JUDITH A. LUNCEFORD, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged that they signed and sealed the same as their own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.




Notary Public in and for the State
of Washington, residing at Spokane
My commission expires: 12-1-00

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Exhibit "A"

FERNAN LAKE ROAD - PARCEL I

A portion of the South half of Section 10, Township 50 North, Range 3 W.B.M., Kootenai County, Idaho, more specifically described as follows:

Beginning at the Southeast corner of Section 10, Township 50 North, Range 3 W.B.M., Kootenai County, Idaho; thence

North along the East line of said Section 10, 34 chains, more or less, to a point which is the Southeast corner of the Jennifer Gookstetter parcel; thence

Along the South line of the said Jennifer Gookstetter parcel as follows:

South 41° West 9.4 chains; South 29 1/2° West 2.0 chains; South 83° West 3.8 chains; South 44° West, 1.5 chains; South 73° West, 3.7 chains; South 63° West, 5.6 chains; South 85° West, 3.6 chains; North 84° West, 3.7 chains; North 80 1/2° West, 3.6 chains; North 72° West, 2.3 chains; North 62° West, 1.8 chains; North 76° West, 2.0 chains; North 64° West, 1.9 chains; West 2.0 chains to a point which is the Northeast corner of the Archie Gookstetter parcel; thence

Along the East line of the said Archie Gookstetter parcel as follows:

South 13 1/2° West, 0.85 chains; South 40° East, 2.5 chains; South 1 1/2° West, 5.5 chains; South 67° West 1.0 chains; South 59° West, 2.2 chains; South 34° West, 1.3 chains; South 20 1/2° West, 2.3 chains; South 20 1/2° East, 1.5 chains; South 16° East, 1.4 chains; South 11° West, 0.9 chains; South 17 1/2° West, 4.5 chains; West, 0.7 chains; South 68° West, 2.9 chains; South 23° West, 1.5 chains thence South 10° West, 1.5 chains to a point on the South line of said Section 10; thence

Easterly along the South line of said Section 10 to the Point of beginning.

EXCEPT from that portion of said land lying within the Southeast quarter all mines, minerals, mineral products, oils, gases, ores, coal, pottery clay, and all other similar and like products of every kind and character, now known to exist or which shall hereafter be ascertained to exist upon, within or under said premises, together with the right of full and free access to said premises at any and all times forever hereafter, for itself and its agents and employees, for the purpose of searching for, exploring, developing, working, mining and removing the same from said premises, and for all operations connected with and relating thereto to the extent desired by said party of the first part. And it is expressly covenanted and agreed by the party of the first part that if it shall operate under the reservation in this clause contained and if, in so doing, the party of the second part is injured or damaged thereby, said party of the first part shall pay said party of the second part in full compensation therefore, a reasonable sum for the actual injuries or damages to the premises, or to any crops or improvements thereon, but not to exceed \$15.00 per acre for such land as is actually damaged, or for such other injury to crops or improvements thereon as second party sustains or suffers. The use of the sub-surface with tunnels, drifts or excavations, shall not entitle the party of the second part to any compensation hereunder as excepted, saved and reserved in the deed from Pollatch Forest, Inc., a Corporation, recorded July 18, 1934 in Book 101 of Deeds, page 408.

1638570**FERNAN LAKE ROAD - PARCEL II**

A portion of the Southwest quarter, section 10. Township 50 North, Range 3 W.B.M. Kootenai County, State of Idaho, more specifically described as follows:

Beginning at the Southwest corner of Section 10, Township 50 North, Range 3 West, Boise Meridian; thence East along the South line of said Section 10, 18.0 chains to a point on the East line of the existing County Road right of way, said point being the True Point of beginning for this description; thence continuing East along the South line of said Section 10, 12.8 chains; thence North 10 degrees East, 1.5 chains; thence North 23 degrees East, 1.5 chains; thence North 66 degrees East, 2.9 chains; thence East 0.7 chains to a point on the existing fence; thence along said existing fence as follows: North 17 1/2 degrees East, 4.5 chains, North 11 degrees East, 0.9 chains, North 16 degrees West, 1.4 chains, North 20 1/2 degrees West, 1.5 chains, North 20 1/2 degrees East, 2.3 chains, North 34 degrees East, 1.3 chains, North 59 degrees East 2.2 chains, North 67 degrees East, 1.0 chains, North 01 1/2 degrees East, 5.5 chains, North 40 degrees West, 2.5 chains, North 13 1/2 degrees West, 0.85 chains; thence North 60 1/2 degrees West, 10.2 chains to a point on the East line of the said existing county road right of way; thence Southwesterly along said East line of the county road right of way, 31.8 chains to the True Point of Beginning

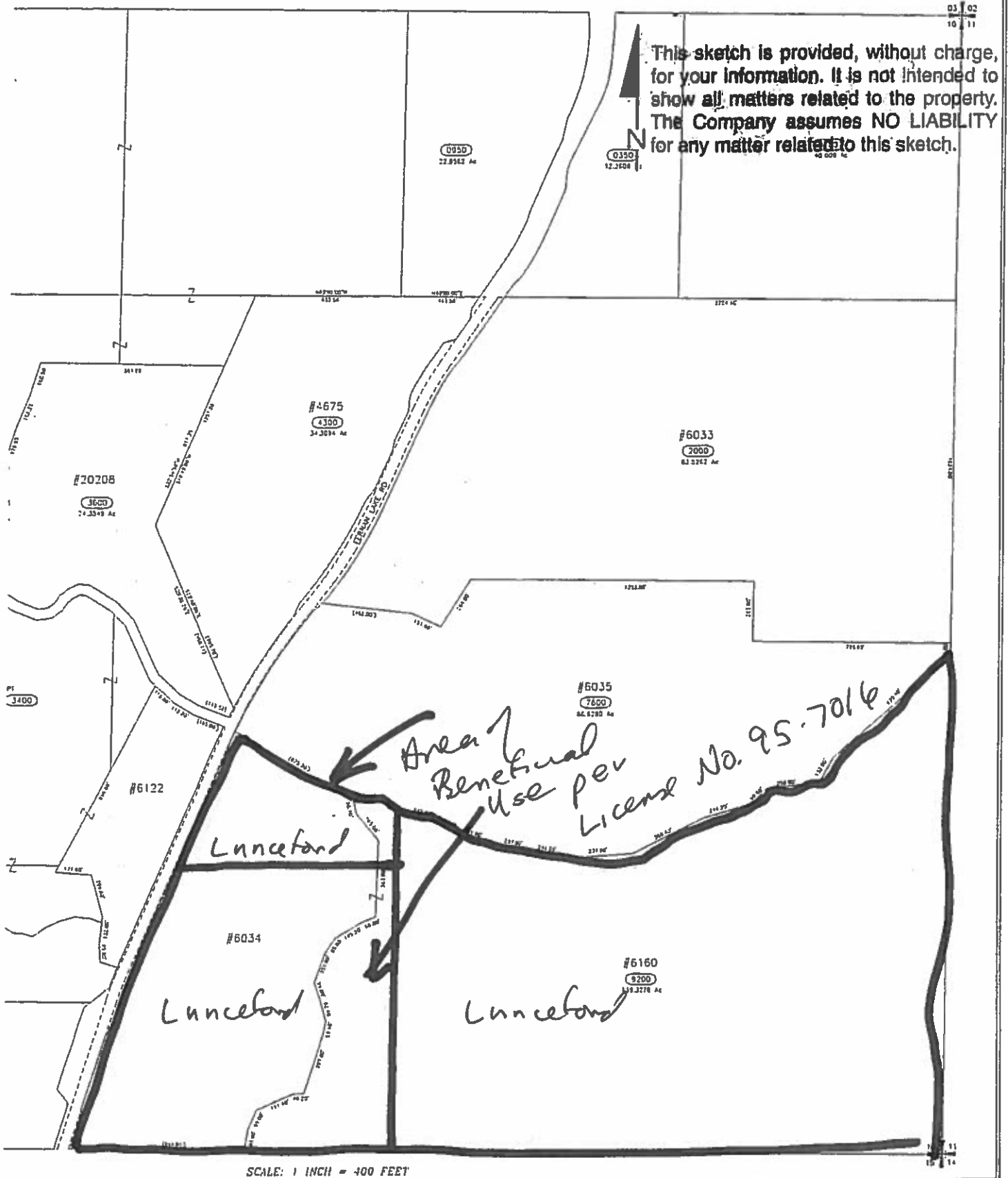
An aerial photograph of a landscape, possibly a wetland or marsh area, with various water bodies and land parcels. Handwritten annotations in black ink are present. A large, irregularly shaped area is outlined with a thick black line. Within this outlined area, there is a smaller, more defined region. An arrow points from the text to this smaller region. The text is written in a cursive, handwritten style. There are also some small 'X' marks and other faint markings on the photograph.

Area of beneficial
use per
License No.
95-7016

EXHIBIT D

Sec. 10 Twp. 50 N. R. 3 W.B.M.

50N03W-10



Sec. 10 Twp. 50 N. R. 3 W.B.M.

EXHIBIT E

JUN - 4 2010