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JAN 15 2015

IDWR / NORTH

January 13, 2015

AFFIDAVIT FOR PRIORITY DATES FOR WATER USE FOR 301 FOUNTAIN BAY DOT COM LANE, ST. MARIES, IDAHO 83861 (Portion of Lot 1, Section 17, Township 46 North, Range 2 West, B.M.) CIVIL CASE NO. 49576, IDENTIFICATION NO. 91-7239. PARCEL NO. RP46N02W170400A

We have two wells on the subject property:

- 1) First Ground Well,(50') Priority Date of April 29, 1913, based on a Patent No. 329435, in Book D Patents, Page 99, Benewah County Records. "United States to Isadore Selig---Lot 1, Section 17, Township 46 North, Range 2 West, B.M. Pumphouse existing since 1895. Copy Attached
- 2) Second Ground well(140') (Tag No. D0056493) drilled 8-31-09. Copy Attached
- 3) Third Ground Well(50') (Spring Fed, Water easement by Warranty Deed, NOT on the property) Priority Date of April 29, 1913, Based on Patent No. 329435, in Book D Patents, Page 99, Benewah County Records. Copy Attached.

My father, William W. Fountain, Sr., leased the subject property in 1915 from Harold Wayne, whom had purchased the subject property and adjoining property from Isadore Selig, whom had Homesteaded Lot 1, Section 17, Township 46 North, Range 2 West, B.M., and received the above-cited U.S. Patent, dated April 29, 1913.

William Fountain subsequently purchased the subject property in 1920, under an unrecorded Contract of Sale, and received a Warranty Deed No. 40679, dated July 6, 1928. My oldest brother, Winfield S. Fountain, born in 1918, and ten more brothers and sisters, were all born on the subject property from 1918 to 1941.

The Fountain family has continuously used water from the St. Joe River for livestock, irrigation, and fire suppression purposes since 1915. The total amount of water usage from the St. Joe River is approximately a couple thousand gallons for five head of cattle, and growing a couple acres of Alfalfa.

The subject property consists of between 5 to 6 acres of improved land.

Enclosed are twenty-one (21) pages of documentation as requested to establish a Priority Date for Beneficial Water Usage. If additional information is needed let me know.

Best Regards

Gary D. Fountain

*See Attached
Acknowledgement on front*

**CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT**
(CALIFORNIA CIVIL CODE § 1189)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

On 01/13/2015 before me, Gia Michael Dang Notary Public
(Date) (Here Insert Name and Title of the Officer)

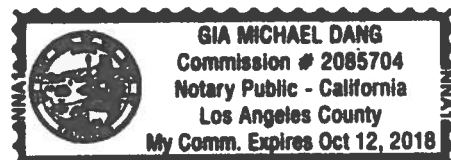
personally appeared Gary D Fountain,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same
in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Gia Michael Dang
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

Description of Attached Document

Title or Type of Document: Affidavit Document Date: 01/13/2015

Number of Pages: 1 Signer(s) Other Than Named Above: _____

Additional Information: _____

RECEIVED

BUILDING PERMIT

BLDG. PERMIT # **4938**Office
(208) 245-4122

JAN 15 2015

Benewah County/City of St. Maries

PHD PERMIT # _____

Fax
(208) 245-8031

701 College Ave. • St. Maries, ID 83861

Applicant to complete numbered spaces only.

CHECKS WRITTEN ON ACCOUNTS WITH INSUFFICIENT FUNDS WILL VOID AND NULLIFY THIS BUILDING PERMIT.

JOB ADDRESS/SITE LOCATION 1. 301 Fountain Bldg, Not Com home		TAX RP# RP 46 N02W 170Y00A	
LEGAL DESCR. 2.	LOT NO.	BLK	TRACT
OWNER 3. Gary Fountain	MAIL ADDRESS 2019 N Verdugo Rd Glendale Idaho		ZIP 818-212-6198
CONTRACTOR/MANUFACTURER 4. Reality Homes Inc	MAIL ADDRESS 1308 Alex Andros Ave E St B (753) 976-6822		PHONE 25285
DESIGNER/ARCHITECT/ENGINEER 5. Hodge Engineering	MAIL ADDRESS		PHONE (253) 857-7055
LICENSE NO. 37586			
USE OF BUILDING 6.			
7. CLASS OF WORK ☒ NEW ☐ ADDITION ☐ ALTERATION ☐ REPAIR ☐ MOVE ☐ REMOVE			
8. DESCRIBE WORK New const of 1,958 SFR w/attached.			
9. VALUATION OF WORK (LABOR & MATERIALS) \$140,000			
SPECIAL CONDITIONS			
BUILDING PERMIT FEE SETTING FEE FOUNDATION REAL PROPERTY PLAN CHECK FEE DECK/STAIR OTHER credit amount FEE TOTAL Permit # 4553			
PAID BY CHECK # 15562-8 ☐ CASH 12/30/10			
SEISMIC ZONE 2-B		FROST DEPTH 24"	WIND LOAD 75 MPH EXP B
CLIMATE ZONE 14		SIZE OF BLDG. (TOTAL) SQ. FT.	OCCUPANCY GROUP R-3
FLOOR LIVE LOAD		DECK LOAD 60 LBS	SNOW LOAD 50
USE ZONE		FIRE ZONE SMF	FIRE SPRINKLERS REQUIRED ☐ YES ☐ NO
APPLICATION ACCEPTED BY: PLAN CHECKED BY: APPROVED FOR ISSUANCE BY: Ann 8/12/13		NO. OF DWELLING UNITS	
OFF STREET PARKING SPACES COVERED		UNCOVERED	

BENEWAH COUNTY ENERGIZING AUTHORIZATION REQUIRED

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, H.V.A.C., AND SEWER.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION, INCLUDING SUBDIVISION COVENANTS.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT

DATE

SIGNATURE OF OWNER (IF OWNER BUILDER)

DATE

BUILDING INSPECTOR COMMENTS:

SPECIAL APPROVALS	REQUIRED	RECEIVED
SITE PLAN		
SURVEY/PIN LOCATE (CITY)		
WATER		
SEWER		
ELEVATION CERTIFICATE		
I.D.L./I.D.W.R./OTHER		
HWY ENCROACHMENT		
FIRE DEPT.		
ARCHITECT/ENGINEER		
OTHER		
INSPECTIONS - DATE	COMMENTS	
FOOTING/POLES		
FRAMING		
ENERGY CODE		
FINAL INSP.		
OTHER		

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

JAN 15 2015

IDWR / NORTH

1. WELL TAG NO. D D0056493

Drilling Permit No. _____

Water right or injection well # _____

2. OWNER: Gary D Fountain

Name _____

Address 301 Fountain Bay Dr + Com lineCity St Maries State ID Zip 83861

3. WELL LOCATION:

Twp 46 North ☐ or South ☐ Rge. 2 East ☐ or West ☒Sec. 17 1/4 1/4 1/4 1/4Gov't Lot _____ County BenewahLat. N 47° 20' 26.3" (Deg. and Decimal minutes)Long. W 116° 36' 79.6" (Deg. and Decimal minutes)Address of Well Site 301 Fountain Bay Dr + Com lineCity St Maries

(Give at least name of road - Distance to Road or Landmark)

Lot _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other _____

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
Granular	0 - 43	45	45	Down

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing Liner	Threaded	Welded
6"	0 - 43	45	250	Steel	☐	☐	☒
4"	45 - 100	100	100	PVC Plastic	☒	☐	☐
					☐	☐	☐
					☐	☐	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____

9. PERFORATIONS/SCREENS:

Perforations ☒ Y ☐ N Method Cutting torchManufactured screen ☐ Y ☐ N Type _____Method of installation 1/2 inch Drill

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
45	100	6	55	4	Steel	250

Length of Headpipe N/A Length of Tailpipe 1/4Packers ☐ Y ☐ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____Describe control device Well Cap

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 44.4 Static water level (ft) 44.4Water temp. (°F) 50 Bottom hole temp. (°F) _____Describe access port Well Cap

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
	10 gpm	1 hour

Test method:

Pump ☐ Bailer ☐ Air ☒ Flowing artesian ☐Water quality test or comments: clean

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
0	0	5	clay		
	5	20	Broken Basalt w/clay		
	20	40	Broken Basalt		
	40	45	Broken Basalt		
	45	60	Broken Basalt		
	60	100	Broken Basalt		
8	100	115	Broken Basalt		
	115	140	Broken Basalt		

Completed Depth (Measurable): 140Date Started: 8-28-09 Date Completed: 8-31-09

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Action Drilling Inc Co. No. 618Principal Driller Alvin Corrie Date 9-8-09Driller Alvin Corrie Date 9-8-09Operator II Shawn Hansen Date 9-8-09

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

JAN 15 2015

Idaho Dept. of Water Resources

IDWR / NORTH

Write Tag Number Here

D 0056493

Start Card/Permit - Single Family Domestic Well Only

(Cold Water less than 85 degrees F.)

1. Owner's Name (please print): GARY D. FOUNTAIN
2. Owner's Mailing Address: 301 FOUNTAIN BAY DOT COM LANE
City: ST. MARIES State: ID Zip Code: 83861 Telephone: (818) 212-6198
3. Proposed Well Location: Twp. 46 N., Rge. 2 WEST, Sec. 17, 1/4 N 1/4 S 1/4 W 1/4
Gov't Lot No. 1 County BENEFIT Lat. N: 47° 20' 26.3" Long. W: 116° 36' 29.1"
Street Address of Well Site 301 Fountain Bay Dot Com Lane City St. Maries
Must give at least name of road + Distance to Road or Landmark

Lot ____ Block ____ and Subdivision ____

4. Are all adjacent septic tanks and drain fields accurately located? By Property Owner: Yes ☒ No ☐ By Health District: Yes ☐ No ☐

5. Well Construction Information:

A. ☒ New well ☐ Replace ☐ Deepen ☐ Modify Previous well #: ____ B. Proposed Casing Dia. 6 C. Proposed Maximum Depth: 30

6. Construction Start Date: 8-28-09 7. Well Driller: Action Drilling, Inc. Driller's Lic. No. 61

8. The Driller hereby accepts the terms and conditions of the Start Card/Permit.

Driller's Signature: Alvin Corn Date: 8-28-09

9. The Well Owner affirms to have read this Start Card/Permit, validates its accuracy and accepts the conditions.

Owner's Signature: Gary D. Fountain Date: 8/28/09

CONDITIONS FOR USE OF START CARD:

- This permit authorizes the construction or modification of one domestic well for a single-family residence. No additional residences, businesses, or dwellings may be connected to this well without a valid water right. Limited to irrigation of 1/2 acre lawn/garden and 13,000 gpd.
- This form must be complete, including the prepaid tag number and signature of the driller. The owner should sign the start card after reviewing these conditions. Mailing must take place no less than 72 hours prior to construction (Dept. address below), hand delivered or faxed to the Dept. prior to commencing construction. The start construction date shall be no more than 10 days after, the Department receives the permit. An incomplete form will not be considered a valid permit to drill.
- This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare. All wells must be drilled a minimum distance of 100' from a drain field. Domestic wells must be drilled a minimum of 50' from a septic tank.
- Only Well Drillers licensed in Idaho may use a Start Card for construction of a well. The driller shall maintain a copy of the Start Card and the well I.D tag at the drilling site during construction.
- This drilling permit does not authorize trespass on the land of another party.
- This drilling permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
- This drilling permit does not represent a right to divert and use the water of the State of Idaho.
- If a bottom hole temperature of 85 F. or greater is encountered, well construction shall cease and the well driller shall contact the Department immediately.
- Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (Digline is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Digline" Number for your area is 1-800-342-1585.
- The stainless steel I. D. tag must be welded to the well casing upon completing the well and must remain permanently attached above ground level for the life of the well. Other tags may be added following a repair or modification of the well. The well driller is responsible for permanently attaching the I.D. tag to the casing upon completing the well. The well tag shall be attached by welding at least 3 sides or using Four (4) stainless steel, closed-end pop rivets.
- A start card is not valid for drilling in Areas of Drilling Concern, Critical Groundwater Areas, Groundwater Management Areas or Areas Identified by the Department as Contaminated.
- The possession of a well tag does not authorize construction of a well.
- Any well being replaced by a new well, shall be properly abandoned by the well driller prior to removing the drilling equipment, unless otherwise authorized by the department.

Effective Feb. 1, 2005

Your Start Card/Application and Tag purchase may be submitted to one of the following offices:

Western Region
Idaho Department of Water Resources
2735 Airport Way Boise, ID 83705-5082
Phone: (208) 334-2190 Fax: (208) 334-2348

Northern Region
Idaho Department of Water Resources
1910 Northwest Blvd., STE 210 Coeur d'Alene, ID 83814-2615
Phone: (208) 769-1450 Fax (208) 769-1454

Eastern Region
Idaho Department of Water Resources
900 North Skyline Drive STE A Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 Fax: (208) 525-7177

Southern Region
Idaho Department of Water Resources
1341 Fillmore Street, STE 200 Twin Falls, ID 83301-3380
Phone: (208) 736-3033 Fax (208) 736-3037

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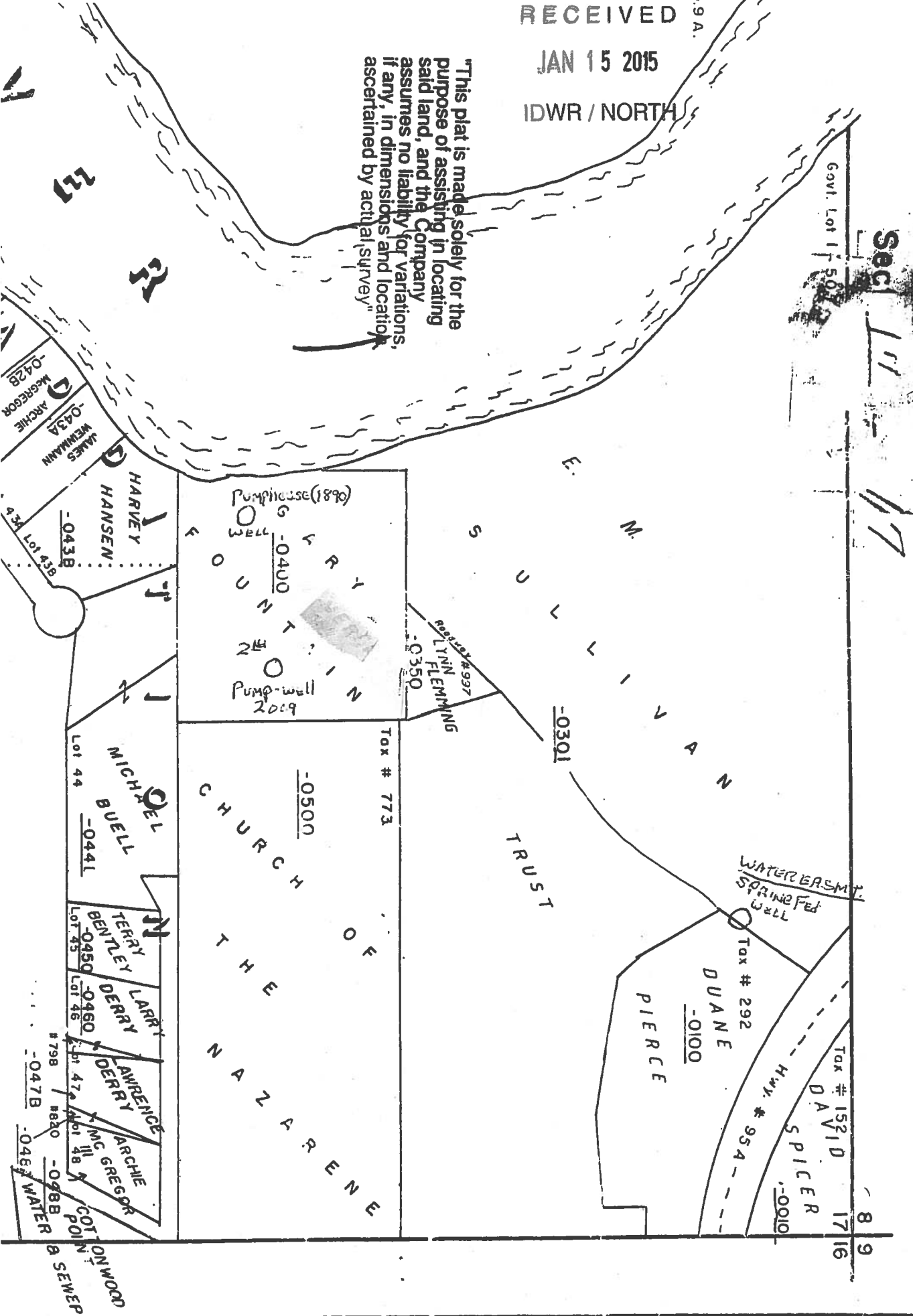
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"This plat is made solely for the purpose of assisting in locating said land, and the Company assumes no liability for variations, if any, in dimensions and location, ascertained by actual survey"

Sec 17

Govt. Lot 1 5042



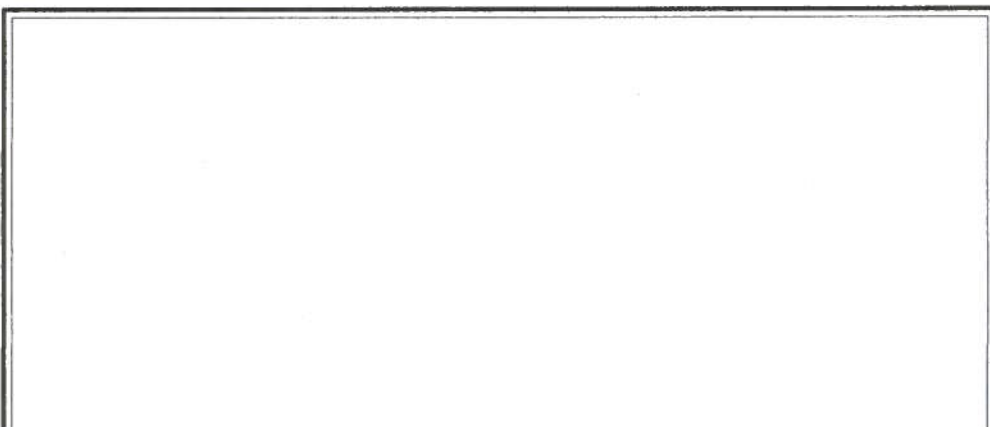
8 9



waterfront
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Shed & trailer



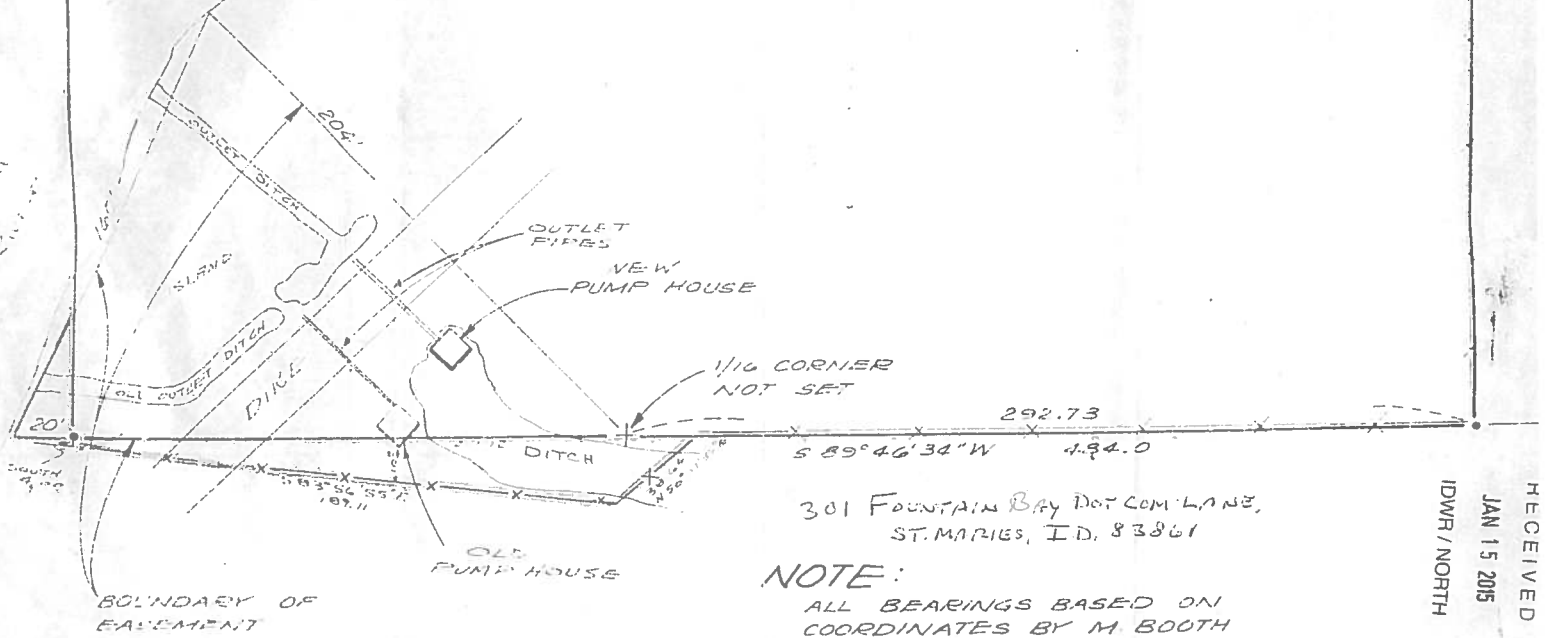


JAN 15 2015

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5.00 ACRES

LOCATION OF RIVER IS
APPROXIMATE AND BASED
ON SURVEY DONE AUG 19, 1975

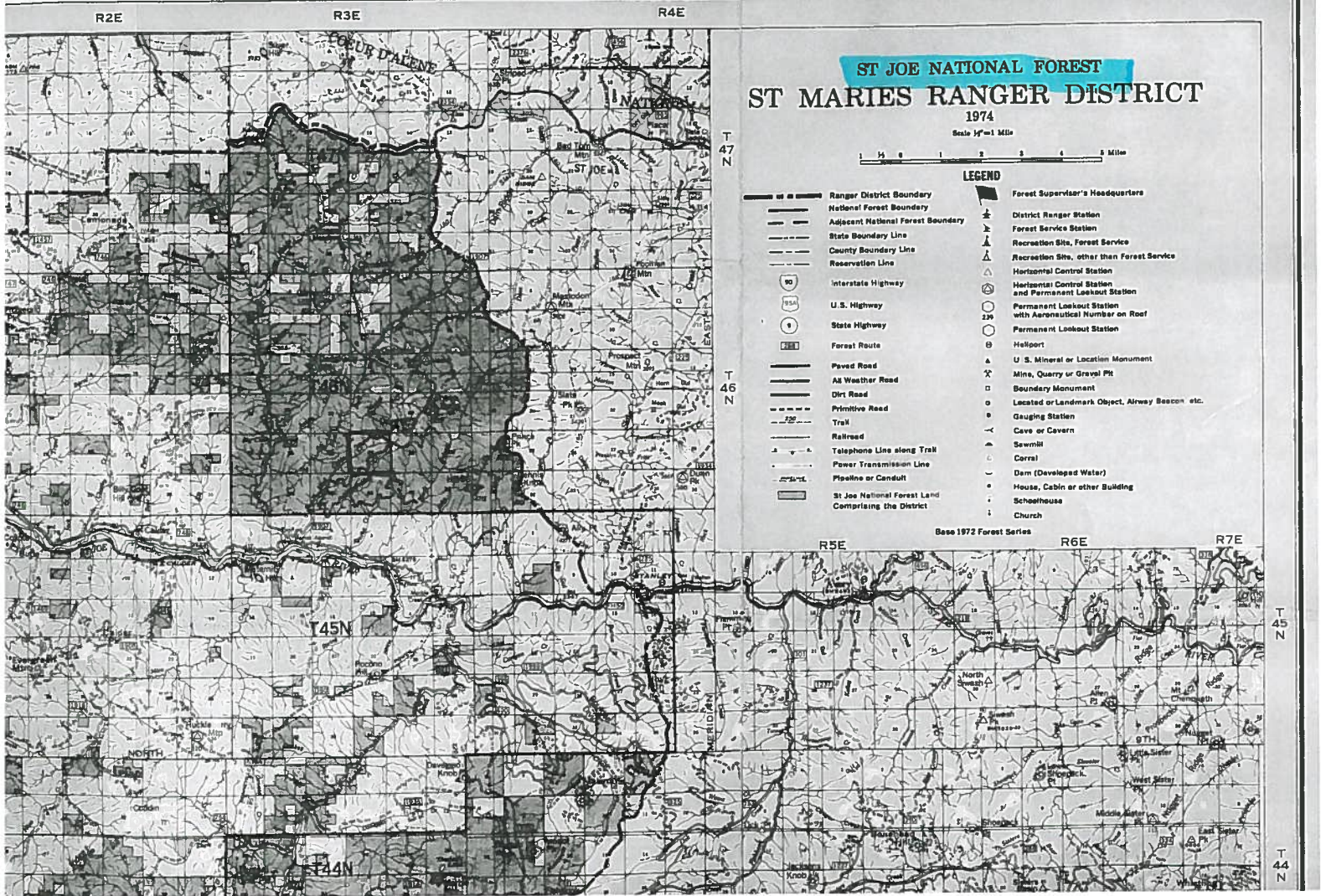


301 Fountain Bay Dr COM LANE,
ST. MARIES, ID. 83861

NOTE:

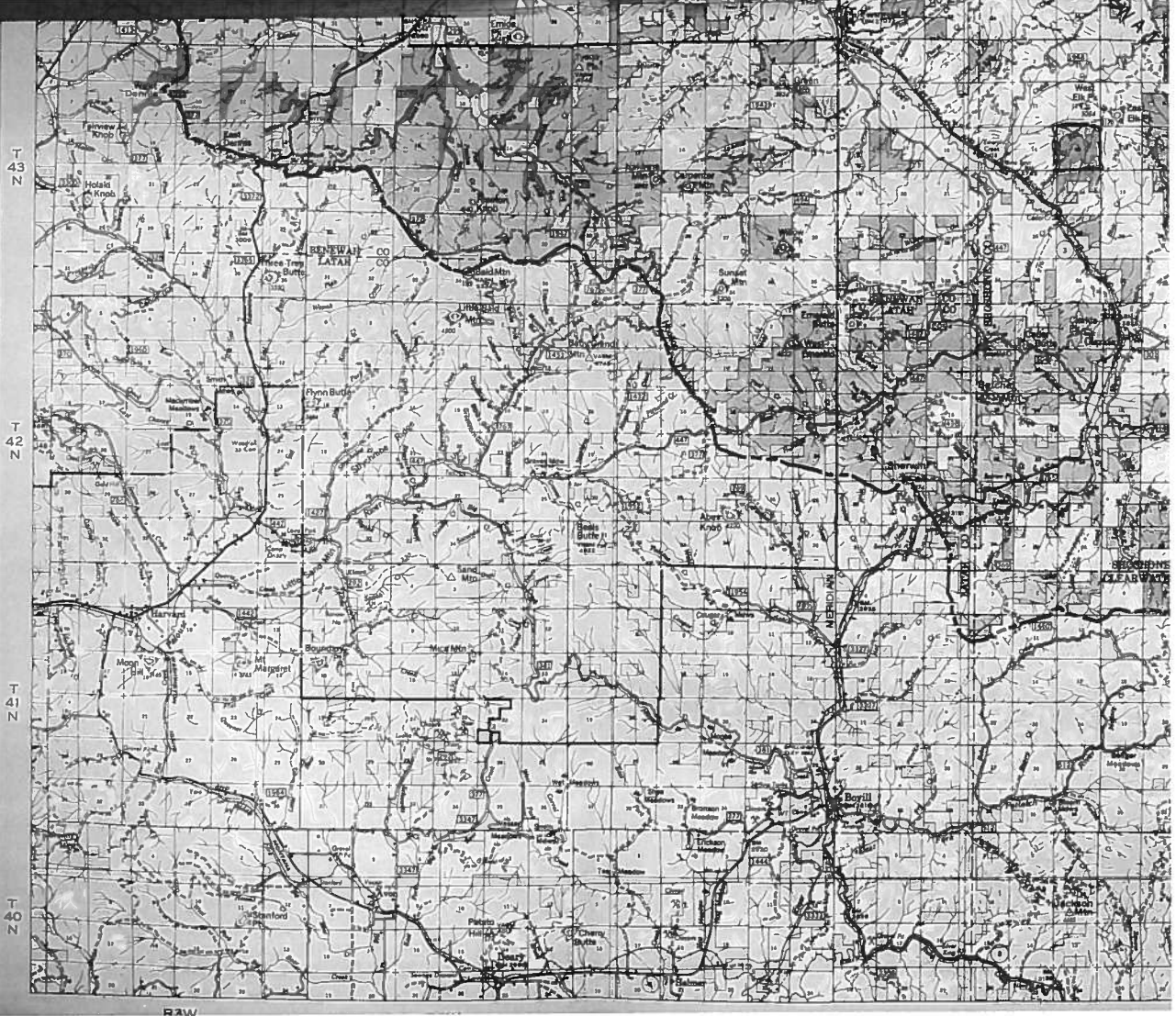
ALL BEARINGS BASED ON
COORDINATES BY M. BOOTH

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JAN 15 2015
IDWR/NORTH

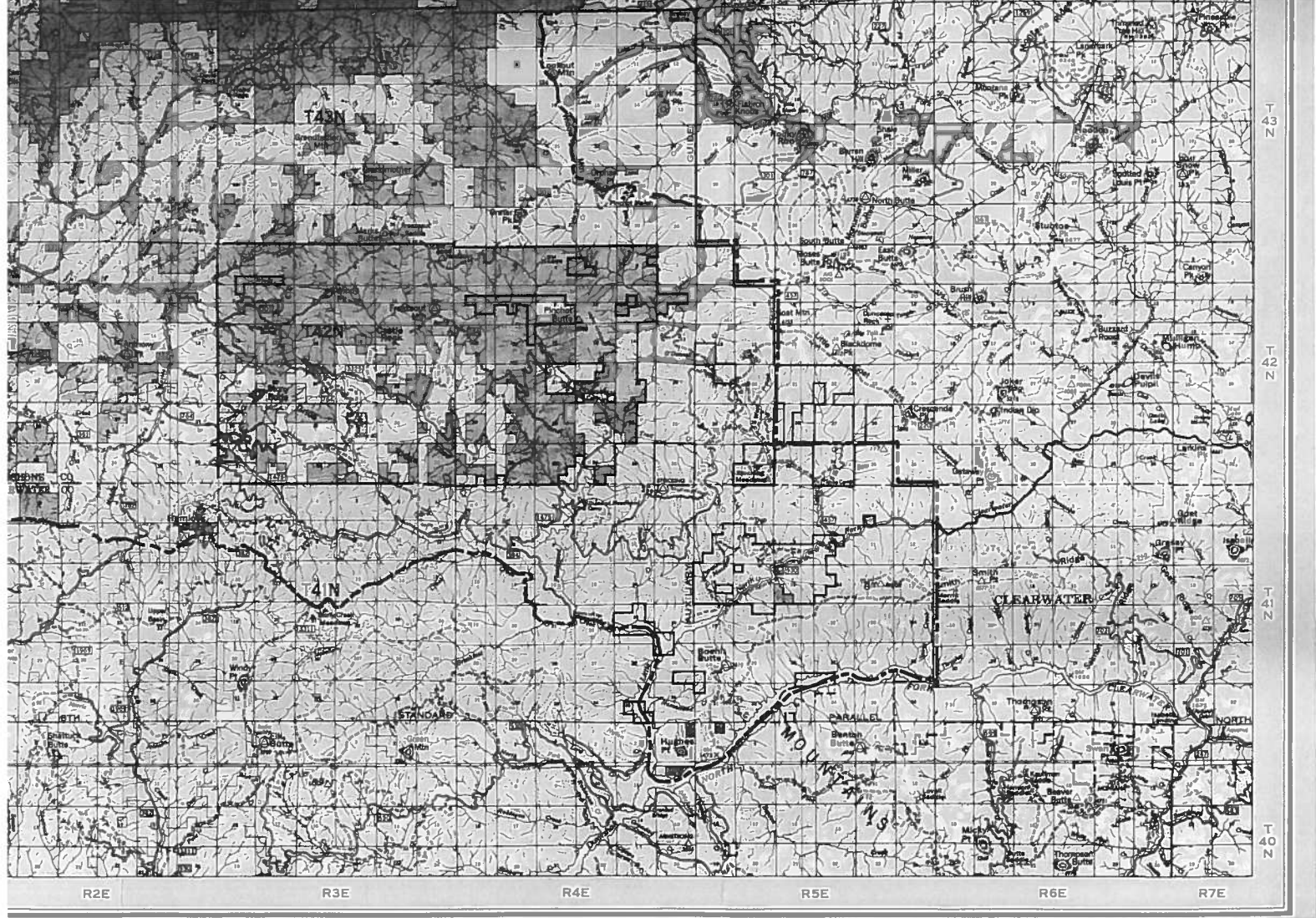


St. Maries Ranger District 1974
 Pg. 1 - 4 (Counterclockwise)
 Pg. 1 of 4

St. Maries Ranger District Pg 2 of 4



St. Maries Ranger District Pg. 3 of 4



St Maries Ranger District Pg. 4 of 4

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 10

SESSION LAWS, IDAHO, PAGE 5,
CHAPTER 4, (HB NO. 5)

TO CREATE AND ORGANIZE THE COUNTY OF BENEWAH IN THE STATE OF
IDAHO, etc.

Section 1. That there shall be, and there is hereby created and formed of the southern part of Kootenai County of the State of Idaho, as now constituted, a new County to be called Benewah County, to be organized as hereinafter provided for.

Section 2. All that portion of the present county of Kootenai State of Idaho, included within the following boundaries to-wit:
Description includes the following:

Lot 1, Section 17, Township 45 North, Range 2 W.B.M.

(and other lands)

Section 3. All that portion of Kootenai County not embraced within the boundaries of Benewah County, shall constitute the County of Kootenai.

Section 4. Governor authorized to appoint County officers.

Section 5. County Seat shall be at St. Maries, Idaho.

Section 6. Officers shall hold office until successors are elected.

Section 7. ;..... etc.

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11 B 383.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 1

United States

Patent.

Dated April 29, 1913.

Filed for record July 15, 1913
at 2.30 P.M.

to

Isadore Selig.

Book Patents, page 137.
(Kootenai County Records)

Book D Patents, page 99.
(Benewah County Records)

Lot 5 and southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$ section 8,
southwest $\frac{1}{4}$ of southwest $\frac{1}{4}$ section 9,
Lot 1, Section 17, Township 46 North, Range 2 West B.M.
containing 177.50 acres.

Lot 5 section 8 and Lot 1 section 17 of lands above described are
subject to rights of an application by Washington Water
Power Company, under Act February 15, 1901 being for a
permit for construction of reservoir for water power
purposes.

Patent 329435

Seal

Act April 24, 1820.

Woodrow Wilson, Pres.
M.P. LeRoy, Secy.
H.W. Sanford, Rec.

13 B 528.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 9

Isador Selig and Lulu
Selig, his wife.

Warranty Deed.

Dated May 5th, 1914.

Filed for record August 13, 1914
at 1.56 P.M.

to

William E. Lewis.

Book 55 Deeds, page 273.
(Kootenai County Records)

Signatures sealed.

Consideration \$1.00, other

Book N Deeds, page 336.
(Benewah County Records)

Acknowledged May 5, 1914, J.G.Fralick, Notary Public, Kootenai
County, Idaho. Seal.

Grant, bargain, sell, remise, release, alien and confirm.

Full warranty for their heirs, etc. except deed to Kootenai
County for county road.

Lot 1, section 17, township 46 North, Range 2 West B.M.

Subject to rights under an application by Washington Water Power
Company for permit for construction of reservoir for
water power purposes.

15 B 246.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. //

W.E. Lewis and Della M.
Lewis, his wife.

Doc. No. 999.

Warranty Deed.

Dated August 16, 1915.

to

Filed for record August 16, 1915
at 3.35 P.M.

Carl Millbrandt, Mary C.
Boutelier and Fred L. Bothwell.

Book 1 of Deeds, page 234.
(Benewah County Records)

Consideration \$60.00

Signatures not sealed.

Witnesses: Wm. D. Keeton and Marjorie M. Caswell.

Acknowledged before William D. Keeton, a Notary Public, Benewah
County, Idaho. Seal. (as to W.E. Lewis and Della M. Lewis,
husband and wife) 10¢ Revenue Stamps attached and cancel-
led.

Grant, bargain, sell and convey.

All of the following described right in and to the following described
land located in Benewah County, Idaho, and described as
follows, to-wit:

An easement and right of way over, across, and upon the
following described piece of land, to-wit: Commencing at the Northwest
corner of the southeast quarter of the Northeast quarter of Section
17, Township 46 North, Range 2 W.B.M. thence running west along the
dividing line between the Southwest quarter of the northeast quarter of
Section seventeen and the Northwest quarter of the Northeast quarter of
Section Seventeen to where said quarter line intersects the St. Joe
River, thence following the East Bank of the said St. Joe River a distance
of approximately one hundred six-ty (160) feet in a northeasterly direct-
ion to a point on said river 204 feet from the point of beginning, and
from thence in a southeasterly direction to the point of beginning, being
a triangular piece of ground in the corner of the northwest quarter of
the northeast quarter of said section seventeen.

AND, WHEREAS, the said parties of the second part herein are
joint owners and have a joint interest in a diking project along the
said St. Joe River, of which the land herein described is at or near the
west end of said diking project, and

WHEREAS, the said parties of the second part desire the
found herein described for a pumping plant and other purposes.
(continued)

15 B 246.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 12

(Warranty Deed - continued)

NOW THEREFORE, In consideration of the premises, the said parties of the first part grant, bargain, sell, and convey to the said parties of the second part, the right to cross and recross the said described land; to erect, build, maintain, and keep a pumping station on said land with the right of ingress, egress and regress to and from the St. Joe River, over, across and upon said land or other lands in said Northwest quarter of said Section Seventeen, with full right, power and authority to permanently flood, overflow and build drains across and to do all other acts and things necessary and incident for maintaining, erecting and keeping the said pumping station, with the right to run pipes or drains or ditches over and across said land or other lands to the St. Joe River. And with the further right and authority to permanently construct and build a dike across, over and upon said land, and use the necessary dirt from the said land to make the said dike. When the Easement is terminated or released from the Fountain Property All Ditches will be filled and all banks of the river will be brought out to where they were before they started pumping. All fences will go back to there original boundries North and South. All of the dirt that has been taken from the Fountain property will be paid for in triple damages. The District Pump must be removed from the property. All of the line fences will have to be put back in place by the Washington Water Power on all boundries. Nort and South Southeast Southwest Northeast and North west and East and West boundries. All rent must be paid in for the pump in full.

21-B 543.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 20

Document Number 12867.
RIGHT OF WAY AGREEMENT.

Date: September 13, 1920.

First Party: A.W. Wayne, National Bank of St. Maries, of Benewah County,

Second Party: Scenic Better-Road Highway District, a municipal corporation, and Johanna Wayne, his wife.

Consideration: One Dollar. 4 Dollars

Agreement: Does hereby agree to deed a right of way for road purposes to said second party and to the public across the herein described land, of a width and description determined by location survey of State Highway Department. 1 being subject to the Highway

Said deed to be conveyed at such a time as the progress of the construction shall determine the exact description of land taken, for Road purposes and for a pumping

At such time as the new road is completed the Highway District will abandon the right of way of the present

301 FOUNTAIN
BAY DOT COM LN.

road, to run from St. Maries, Idaho to Kootenai County (Idaho) line.

The Highway District will fence both sides of said right

Signed: The Right of way with a legal fence line.

Description: Through Lot 1 Section 17 Twp. 46 N.R. 2 West of Boise Meridian.

Signed: A.W. Wayne Seal. Idaho, County of Benewah, Sept. 13th,

Acknowledged: In State of Idaho, County of Benewah, Sept. 13, 1920 by A.W. Wayne, before C. F. Bessee, Notary Public, residence and P.O. Address, St. Maries, Idaho. Seal.

Filed: September 14, 1920 at 2.20 P.M.

Recorded: Book 2 Misc. Record page 178.

31 B 6.
Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. 24 Y X X

Document Number 32482.
AGREEMENT. DEED

Date: January 16th, 1925.

First Party: Andrew W. Wayne and Joe Anna Wayne, husband and wife,
wife of Benewah County, Idaho.

Second party: John Klinkert and Anne M. Klinkert, husband and wife,
wife of Benewah County, Idaho.

Consideration: Clearing and putting in condition for plowing
certain lands owned by first party.

Description: From the Southeast corner of Lot 1, Sec. 17, T. 46 N.R. 2 W.B.M. S 89°43' W. a distance of 1030 feet along the South boundary of said Lot 1, Sec. 17, T. 46 N.R. 2 W.B.M. to the point of beginning; thence N. 0°17' E. a distance of 450 feet; thence S. 89°43' W. a distance of 484 feet; thence S. 0°17' W. a distance of 450 feet; thence N. 89°43' E. a distance of 484 feet to the point of beginning, containing 5 acres, more or less all in Benewah County, Idaho.

It is further agreed that then said 2nd parties shall have the right to use the spring belonging to parties of the first part for domestic purposes and to have a road eight feet wide from the river to the highway over the land of the first parties, said road to be located according to the desires of the first parties. To have the the Right of way.

Signed: Andrew W. Wayne. Parties of first part.
Joe Anna Wayne. Parties of first part.
John Klinkert. Parties of Second part.
Anna M. Klinkert. Parties of Second part.

Acknowledged: In State of Idaho, County of Benewah, Jan 16th, 1925
by Andrew W. Wayne and Joe Anna Wayne, husband and wife,
and John Klinkert and Anne M. Klinkert, husband and wife,
before Robt. E. McFarland, Notary Public residing at St. Maries, Idaho. Seal

Filed: April 7, 1928 at 10.30 A.M.

Recorded: Book 3 of Miscel. on page 324.

31 B 8.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No. ~~27~~ 28

Document Number 32484.
QUIT CLAIM DEED.

Date: April 14th, 1926.

Grantor: John Klinkert, County of Okanogan, State of Washington.

Grantee: Anne M. Klinkert, County of Okanogan, State of Washington.

Consideration: One and 00/100 Dollars.

Granting Clause: Does by these presents remise, release, and forever quit-claim.

Description: From the Southeast corner of Lot 1, Section 17, T. 46 N.R. 2 W.B.M. S. 89°43' a distance of 1030 feet long the south boundary of said Lot 1, Sec. 17 T. 46 N.R. 2 W.B.M. to the point of beginning; thence N 0°17' E a distance of 450 feet; thence S 89°43' W a distance of 484 feet; thence S 0°17' W a distance of 450 feet; thence N 89°43' E a distance of 484 feet to the point of beginning, containing 5 acres more or less all in Benewah County, Idaho.

To Have and to Hold.

Signed: John Klinkert (Seal)

Witness: None.

Acknowledged: In State of Washington, County of Okanogan, April 14th, 1926 by John Klinkert, before J.S. Allen, Notary Public, residing at Twisp. Seal.

Filed: April 7th, 1928 at 10.40 A.M.

Recorded: Book T of Deeds, page 244.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No.

Document Number 40679.

WARRANTY DEED

Date: July 6th, 1928.

Grantor: Anne M. Klinkert, dealing with her sole and separate property of St. Maries, Benewah County, State of Idaho.

Grantee: Mrs. Ruth Fountain, of Benewah County, State of Idaho.

Consideration: One Dollar and other valuable consideration.

Granting Clause: Does grant, bargain, sell, release, alienate and confirm..

Description: From the southeast corner of Lot 1, Section 17, Township 46 North, Range 2 W.B.M. S 89°43' W. a distance of 1030 feet along the south boundary of said lot One Section 17 T. 46 N.R. 2 W.B.M. to the point of beginning; thence N 0°17' E. a distance of 450 feet; thence S 89°43' west a distance of 484 feet; thence S 0°17' W a distance of 450 feet; thence N. 89°43' E. a distance of 484 feet to the point of beginning, containing 5 acres more or less.

Habendum:--

Warranty: Full warranty by first party, for herself, her heirs, etc.

Signed: Anne M. Klinkert (Seal)

Witness:-

Acknowledged: In State of Idaho, County of Benewah, July 6th, 1928, by Anne M. Klinkert, dealing with her sole and separate property, before E.W. Trueman, Notary Public, residing at St. Maries. Seal.

Filed: May 20, 1932 at 4.05 P.M.

Recorded: Book V of Deeds, page 62.

Continuation of Abstract of Title to the Lands Described in the Caption Hereto. No.

Document Number 40678.
DECLARATION OF HOMESTEAD.

Know all Men by These Presents: That I do hereby declare that I am married. That my husbands name is W.W.Fountain and that I do now, at the time of making this declaration, actually reside on the premises hereinafter described. That the said premises are bounded and described as follows, to-wit:

Beginning at a point 1030 feet distant from the South East corner of Lot 1 of Section 17 of Township 46 N. of Range 2 W.B. M. on a line running S 89° and 43" W. along the South boundary of said Lot 1, Sec. 17 T⁴⁶ N.R. 2 W.B.M; Thence running North No Degrees and 17" W a distance of 450 feet; thence S 89° and 43" west a distance of 484 feet; thence south No degrees and 17" West a distance of 450 feet; thence N 89° and 43" E a distance of 484 feet to place of beginning containing 5 acres more or less, all of which lying and being in the County of Benewah, and State of Idaho.

That I do by these presents claim the premises above described together with the dwelling house thereon, and appurtenances as a homestead.

That I make this declaration for the joing benefit of myself and husband, and I declare and show by this instrument that my husband has not made a declaration of homestead.

That the actual cash value of said premises is not to exceed the sum of _____ Dollars.

In witness whereof I have hereunto set my hand and seal this ____ day of May A.D. 1932.

Signed: Mrs. Ruth Fountain (IS)

Acknowledged: In State of Idaho, County of Benewah, ss. May 18th, 1932 by Mrs. Ruth Fountain, before William F. Sargent, Notary Public. Seal.

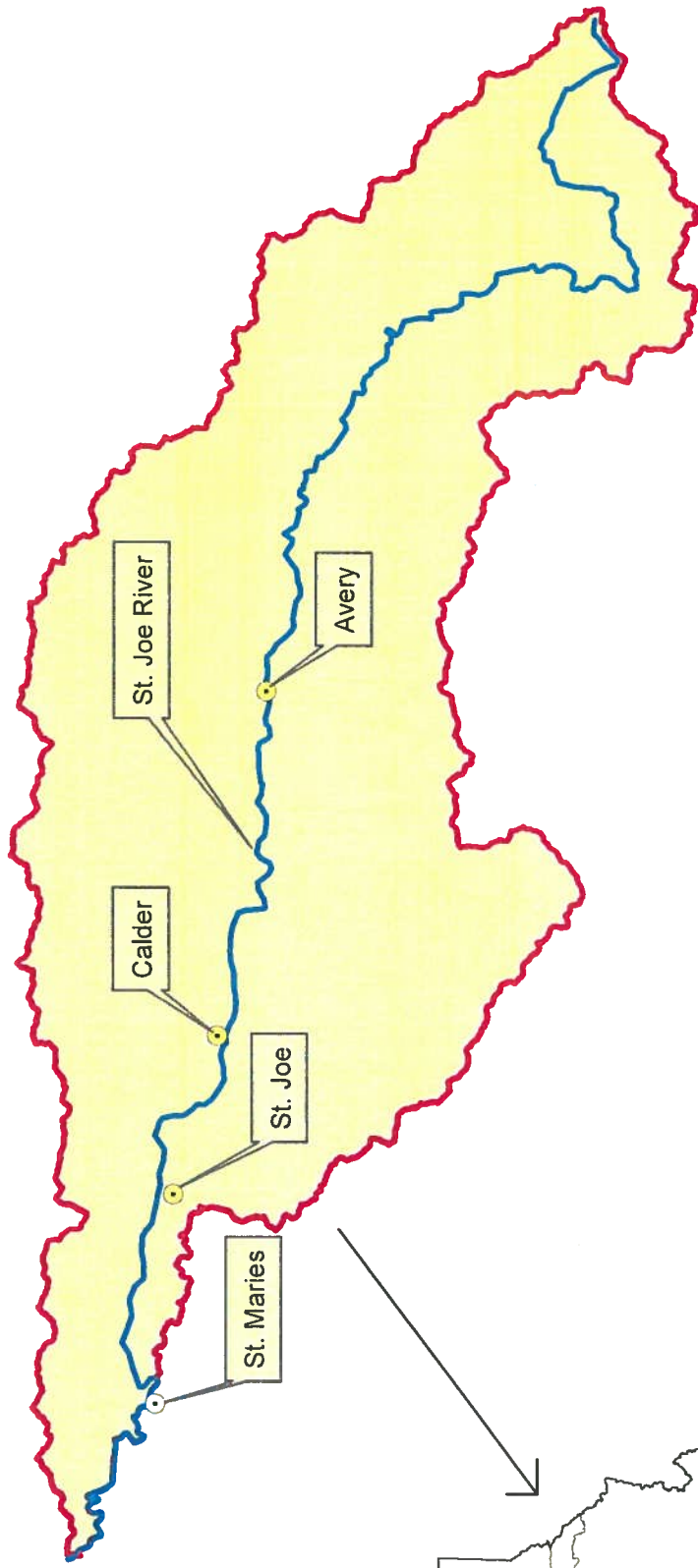
Filed: May 20, 1932 at 4.00 P.M.

Recorded: Book 3 of Miscel. on page 635.

Basin 91

REVISED
JAN 15 2015

IDWR / NORTH



COPY

RECEIVED
JAN 15 2015

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 49576
NUMBER:
Ident. 91-7239
Number:
Date 4/22/11
Received:
Receipt No.: NO 26978

RECEIVED

APR 22 2011

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s):

Name	Address	City	State	Country	Postal Code
GARY FOUNTAIN	C/O GARY FOUNTAIN	GLENDALE	CA	USA	91208

2. Date of Priority:

Date	Explanation
1/10/1915	← SEE ATTACHED COPY OF "EXPLANATION".

3. Source:

Source	Tributary	Type
GROUND WATER	GROUND WATER	
GROUND WATER	GROUND WATER	
GROUND WATER	GROUND WATER	
ST JOE RIVER	COEUR D ALENE LAKE	

4. Point Of Diversion:

Township	Range	Section	Gov Lot	QQ	Q	County
46N	02W	17	1			BENEWAH
46N	02W	17	1			BENEWAH
46N	02W	17	1			BENEWAH
46N	02W	17	1			BENEWAH

5. Water is used for the following purpose(s):

Water Use	Number Of Homes	Stock	Description
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SCANNED
APR 25 2011

SCANNED
APR 25 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 23, 2014

GARY FOUNTAIN
301 FOUNTAIN BAY DOT COM LN
ST MARIES ID 83861

SUBJECT: Notice of Error Reply on Notice of Claim to a Water Right Number 91-7239

RESPONSE DEADLINE
DATE: January 15, 2015

Dear Mr. Fountain:

We have received your Notice of Error Reply indicating that you disagree with the purpose of use and source as recommended on the Notice of Claim referenced above. Please be advised that we are unable to change our recommendation at this time as there are several elements of the claim which need to be addressed. They are as follows:

When you completed the claim in April, 2011 you claimed a priority date (first usage) of January 10, 1915, and listed several water sources, including three wells and the St. Joe River, for a domestic purpose of use on a year around basis. Also, you claimed three different places of use for the domestic purposes. This indicates that in 1915 there were three wells on the property and a surface water diversion from the St. Joe River, which were used for three homes. This would include in-house use and ½ acre or less of lawn irrigation.

A Notice of claim should be filed for each source, and reflect the first usage date from each source. An exception to the rule would be if all sources were plumbed together, but we would need to use the latest priority date of the last home to be placed into usage. We will also need evidence of the conveyance means and evidence of the first usage date. Consequently, if you would like to claim additional sources or purposes of use, we will need a Notice of Claim for each source and its usage representative of the first usage date from such source.

In regard to recommending stockwater and irrigation as an additional purpose of use; we will need an amended claim and/or an additional claim form and filing fee. If the irrigation is under ½ acre this is included in domestic use and nothing further needs to be added. The same for stockwater. Domestic usage will include up to approximately 20 head of stock without adding it as a separate usage and quantity. You do not need to claim fire protection as a purpose of use as it is implicit and does not need to be stated under purpose of use.

To summarize – ***please provide evidence*** supporting the priority date of January 10, 1915, for the sources and uses claimed on Notice of Claim number 91-7239. I'm enclosing a brochure entitled "Evidence of Priority" to help you determine the type of acceptable evidence. The addition of stockwater usage would require an amended claim and I am enclosing a copy to be used for this purpose. You can also use this claim to delete any sources or places of use which may not be applicable. Please be sure to date and initial any changes you make.

If the irrigation usage is more than ½ acre, we will need an additional Notice of Claim or an Application for Permit. I'm enclosing a claim form for this purpose. The fee for filing the claim will be a flat rate of \$50.00 plus \$1.00 per irrigated acre. Also, the filing deadline was June 10, 2011 so there will be a late fee, which is \$50.00 or 15% of the original filing fee. We will also need evidence of the first usage date so please be sure to supply this information if/when you submit the claim. (See Paragraph Below)

The permit system for establishing a water right became mandatory for uses developed from ground water after March 25, 1963 (except for domestic purposes as defined by Section 42-111, Idaho Code), and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams). If this is the situation, you will need to complete an Application for Permit instead of a Notice of Claim, which I have enclosed.

Please be sure to return this information by January 15, 2015, as your claim may be recommended to be disallowed if we do not receive evidence of the priority date. Be sure to contact me if you have any questions or concerns. I can be reached at (208) 762-2802 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda Werner".

Linda A. Werner
Water Resource Agent, Sr.

Enclosure: Evidence Brochure
Copy of Notice of claim to a Water Right Numbered 91-7239
Application for Permit w/Instructions
Blank Notice of Claim Form