

COPY

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: 95-12084

Date Received: 3/4/2010

Receipt No: T090200

Received By: *LW*

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED
UNDER STATE LAW

RECEIVED

APR 25 2016

IDWR/NORTHERN

1. Name of Claimant(s)

RICHARD WIGGINS Phone: (208) 660-0967
PMB 108, 212 IRONWOOD DR #D
COEUR D ALENE ID 83814

2. Date of Priority: ~~5/20/1971~~ *02/01/1961*

3. Source: COEUR D ALENE LAKE Tributary to: SPOKANE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
48N	04W	3	NE NE		KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
DOMESTIC	4 /1 9 /1	0.01	0

7. Total Quantity Appropriated is: 0.01 C.F.S. and/or 0 A.F.A

8. Non-irrigation uses:

Number of Homes: 1	Water Use	Type Of Stock	Number Of Stock
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9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
48N	04W	3	NE NE	1	DOMESTIC	
Section Acres						
Total Acres						

10. Place of use in counties: KOOTENAI

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

95-12084

6/5/2012

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07/01/1961
ACWA
04/21/2016

Priority date description: Our family first started using water from this source in the 1950's but I used the date of ~~6-20-1971~~ because I was told this was the date set by legislation for the use of surface water. For ground water the date was 5-25-63.

Description of use: Water Use

Description

DOMESTIC

Used for lawn and garden irrigation. We have no livestock, only a dog.

14. Basis of Claim: Beneficial Use

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 notice in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do ____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Richard A Wiggins Date: 04/21/2016

For Organizations: I do solemnly swear or affirm under penalty or 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 _____

Please print name

April 21, 2016

State of Idaho
Department of Water Resources
Northern Region
ATTN: Linda A Werner
7600 N. Mineral Drive, Suite 100
Coeur d' Alene, Idaho 83815-7763

R E C E I V E D

APR 25 2016

IDWR/NORTHERN

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 95-12084

Dear Ms. Werner:

Having received your letter of April 6, 2016, with enclosures, we are responding with answers to your questions and documentation in support of the information requested. Hopefully, this will satisfy the needs of the Water Resources Department and the Court. My wife, Karen, who's parents, Raymond R and Ellen Mary Kitzke, built the cabin situated on Lot(8) in Block "A" of Pilot Rock Park, 03 48N 04W in the year 1961.

Enclosed you will find a copy of a letter along with it's enclosures dated 11/01/2007, from Donna Dixon, Engineering Clerk, Kootenai Electric Corporation(KEC). This letter establishes the date of the Kitzke/KEC Right-Of-Way for initial electrical service to the property. The letter contains the recorded Right-Of-Way easement dated 07/01/1961 as proof of initial electric service to the property and legitimacy of established surface water rights. The Tax ID for the property is 108178 and the property address is 3419 W. Blackcap LN, Coeur D Alene, ID 83814. My wife, Karen A (Kitzke) Wiggins and myself are sole owners of the property now but it has been in the Kitzke or Wiggins family continuously since constructed in 1961. The recorded easement enclosed would verify that Surface Water Rights were established on July 1, 1961. In our initial claim we used the date of May 20, 1971, and I have changed that date to July 1, 1961, in the papers we are returning. Surface water from Lake Coeur D Alene, was used as the only source of water from 1961 until a community well went into service in 1996. Once the community well water was available it was used for in home only and no external irrigation was allowed. For that reason we, along with the other association members continued using water from the lake for lawn and shrub irrigation.

On the map you provided I have indicated on an overlay where the water diversion is located, the line of the pipe and the approximate areas where we use water for irrigation. The location of this diversion is the same as it has been since 1961. We removed the old pump and pump house from its location behind the large spruce tree between the cabin and the dock when we installed a 1/2 hp submersible pump in 1996. We have included a old photo of the property with notations that might help orient you to how things were years ago.

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We hope this information meets the burden of proof required to establish when surface water was first pumped from the lake for use in our cabin. Should you have further questions or a need to discuss in more detail, please feel free to call us, 208-660-0967, or e-mail, wiggins76@aol.com.

Sincerely,


Richard A Wiggins


Karen A (Kitzke) Wiggins

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APR 26 2016



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

Completed and Returned via Certified Mail 04/21/2016
RAW
04/21/2016
GARY SPACKMAN
Director

April 6, 2016

RAW
RICHARD WIGGINS
212 W IRONWOOD DR STE D PMB 108
COEUR D ALENE ID 83814

RECEIVED

APR 25 2016

IDWR/NORTHERN

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 95-12084

RESPONSE DEADLINE
DATE: MAY 9, 2016

Dear Mr. Wiggins:

The Notice of Claim to a Water Right identified with the number shown above has been filed in the Coeur D'Alene-Spokane River Basin Adjudication, also known as Phase 1 of the Northern Idaho Adjudication (NIA). The claim indicates your water usage is based on "Beneficial Use" or "Statutory Claim". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. If the evidence found shows an earlier priority date, you may wish to amend your claim to the earlier date. To do so, simply cross out the date under item two on the enclosed claim form and fill in the new one. Be sure to initial and date any changes that you make.

PLEASE NOTE: IDWR will recommend the NIA Court decree the claim ~~disallowed~~ if no evidence of the priority date and of the historic use is submitted.

Also, I've enclosed a map of your property. Please verify on this map where the diversion is located and where the water usage is occurring.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, along with the map, to my attention. If you have any questions, I can be reached at (208) 762-2802 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

Linda Werner

Linda A. Werner
Water Resource Agent, Sr.

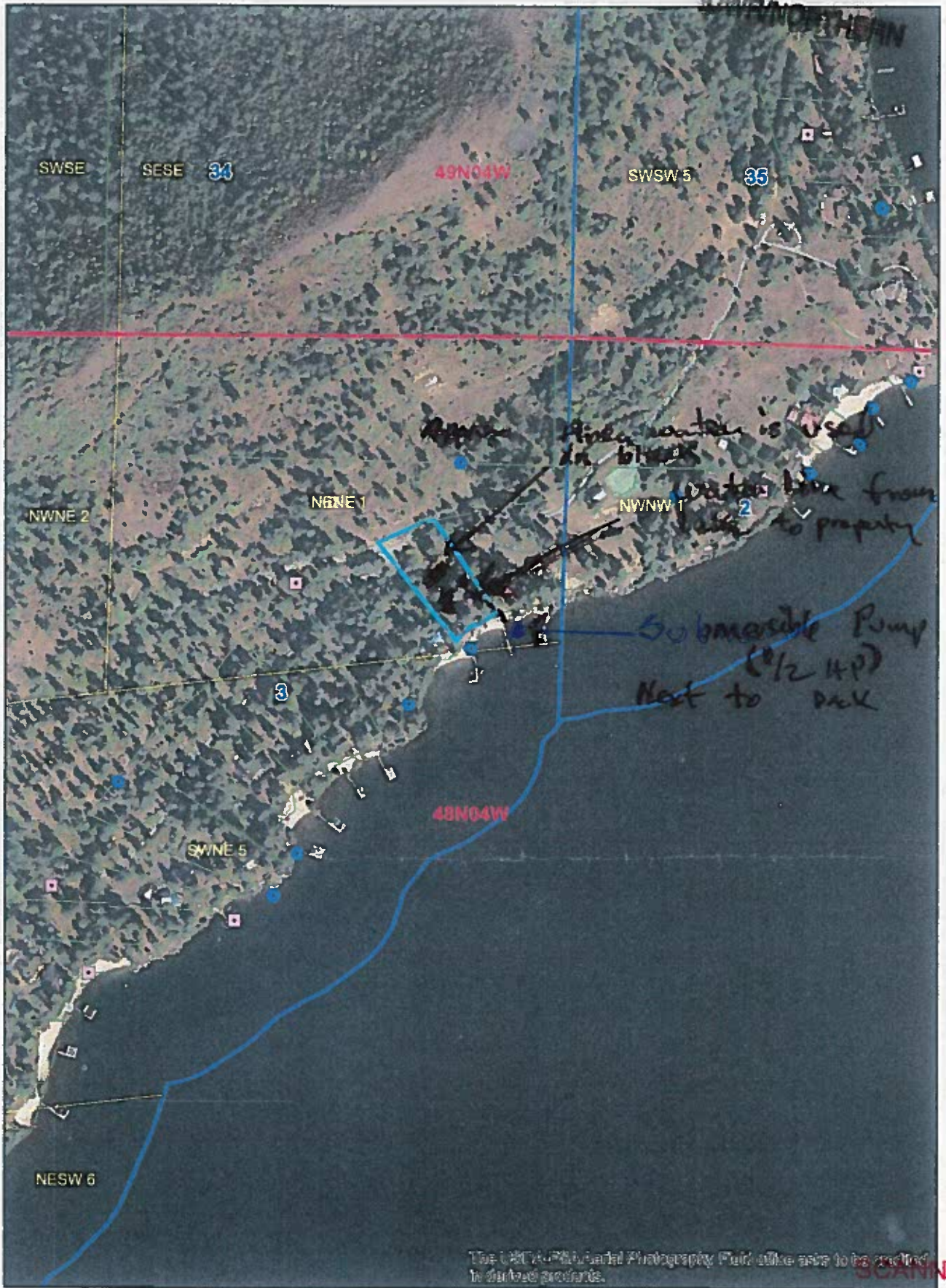
Enclosures: Evidence of Priority Pamphlet
Copy of Notice of Claim Number 95-12084
Map

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APR 25 2016

DAVID N. HEIN



SCANNED

APR 26 2016



November 1, 2007

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IDWR/NORTHERN

Richard A. Wiggins
Karen A. Kitzke-Wiggins
212 Ironwood Dr. PMB #D108
Coeur d'Alene, Id 83814-1403

Re: Service to Lot 8, Block A of Pilot Rock Park

Dear Mr. and Mrs. Wiggins,

Upon researching your request, I was able to find the original easement received to provide service to the above referenced property. As you will note on the copy, we received this easement back in 1961. I have enclosed a copy of the easement for your records. Please note that the easement was not recorded until 2001. At that time, we took our older recordable easements in to have them on record. When this easement was originally taken, recording was not available. I hope this will answer any questions as to when service would have been applied for, and the legitimacy of established surface water rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Nixon', written over a horizontal line.

Donna Nixon
Engineering Clerk
Kootenai Electric Coop., Inc.
P.O. Box 278
Hayden, Id 83835
(208) 292-3240

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APR 26 2016

KOOTENAI RURAL ELECTRIFICATION ASSOCIATION

COEUR D'ALENE, IDAHO

1697027

RIGHT-OF-WAY EASEMENT

48P403

KNOW ALL MEN BY THESE PRESENTS, That the undersigned Raymond R. and

Ellen Mary Kitzke, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto KOOTENAI RURAL ELECTRIFICATION ASSOCIATION, a corporation, whose postoffice address is Coeur d'Alene, Kootenai County, Idaho, and to its successors and assigns, the right to enter upon the lands of the undersigned, situated in the County of Kootenai, State of Idaho, and more particularly described as follows: Lot Eight (8) in Block "A" of Pilot Rock Park, according to the official plat thereof on file and of record in the office of the County Recorder for said County of Kootenai and State of Idaho, at page 98, Book "D" of Plats; together with an easement and reasonable right of access across first party's property.

and to place, construct, operate, repair, maintain, relocate and replace thereon and in or upon all streets, roads or highways abutting said lands an electric transmission or distribution line or system, and to cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.

In granting this easement it is understood that at pole locations only a single pole and appurtenances will be used, and that the location of the poles will be such as to form the least possible interference to farm operations, so long as it does not materially increase the cost of construction.

The undersigned covenants that he is the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 1st day of July, 1951 - 1961

Raymond R. Kitzke (L. S.)
Ellen Mary Kitzke (L. S.)

Signed, sealed and delivered in the presence of:

STATE OF IDAHO } ss
COUNTY OF KOOTENAI }
AT THE REQUEST OF
KOOTENAI ELECTRIC CO-OP, INC.

SEP 25 10 24 AM '01

DANIEL J. ENGLISH

DEPUTY

STATE OF Washington } ss.
County of Spokane

FEE\$ 3.00

1961

SCANNED

APR 26 2016

On this 1st day of July, 1951, before me, the undersigned Notary Public, personally appeared Raymond R. and Ellen Mary Kitzke, known to me to be the persons whose names subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Ralph Tye
Notary Public for the state of Washington

residing at Spokane, Washington

My Commission expires 1-20, 1965

K E C

ATTN:

Donna

Fax
@ 4:25 P

FAX: 209-0440

RE: WIGGINS, Richard A.
Acct # 1374967

Donna - As you can see on the
copy certified by the assessor's office,
our place was built in 1961. We
did a total remodel in 2002. A
letter from KEC, as you mentioned would
probably suffice in case of the fact
no records are currently available
from the time my in-laws built the
home. Thank you for your assistance

Richard A. Wiggins
660-0967

Page 1 of 3

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APR 26 2016

PHYSICAL CHARACTERISTICS

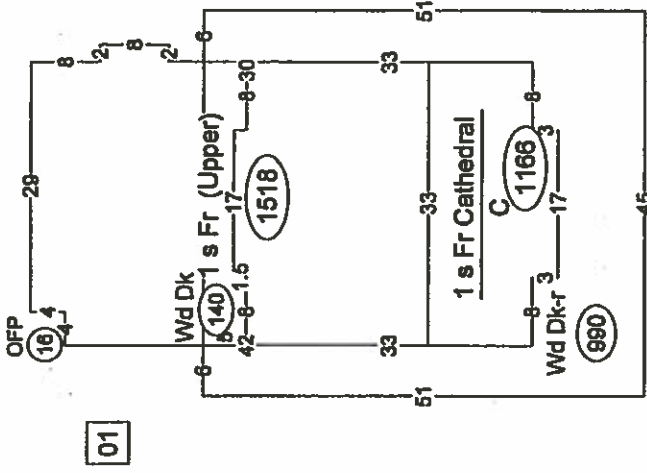
Style: 32 Avg 2 Story <1989
Occupancy: Single family - Owner
Story Height: 2.0
Finished Area: 2684
Attic: None
Basement: None
ROOFING
Material: Comp sh to 235#
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12
FLOORING
Sub and Joists 1.0, 2.0
Base Allowance 1.0, 2.0
EXTERIOR COVER
Till plywood 1.0, 2.0
INTERIOR FINISH
Drywall 1.0, 2.0
ACCOMMODATIONS
Finished Rooms 8
Bedrooms 3
Formal Dining Rooms 1
Fireplaces: 1

HEATING AND AIR CONDITIONING
Primary Heat: Forced hot air-propane
Lower Full Part
/Bsm 1 Upper Upper

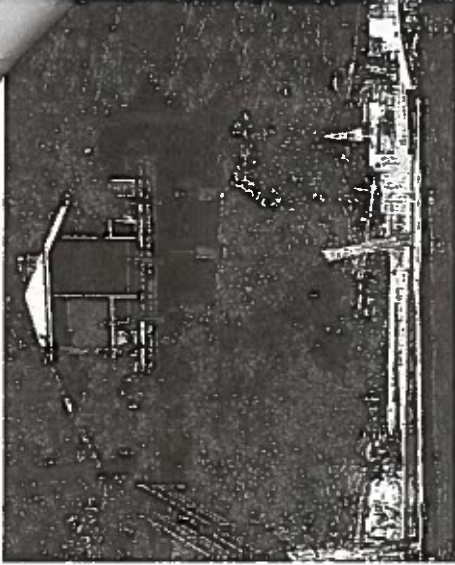
PLUMBING

3 Flxt. Baths 2 6
Kit Sink 1 1
Water Heat 1 1
TOTAL 8

REMODELLING AND MODERNIZATION
Amount Data



Wd Dk-r (220)



STATE OF IDAHO
COUNTY OF KOOTENAI } SS.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY
THE RECORD ON FILE IN THE KOOTENAI COUNTY ASSESSOR
OFFICE

BY

Mike Jean
DEPUTY

SPECIAL FEATURES

D : Renod 2002
BASIC 2225
LAVATORY 450
MAS2STK 3500
02 : GANGWAY 1100
FILLINGS 600

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Stry Rgt	Const Type	Grade	Year	Eff Const	Base Rate	Feat- ures	Adj Rate	Size or Area	Computed Value	Phys Obsol	Market \$	Depr	Adj Comp	Value	
D : Remod 2002	2225	D	DWELL	0.00	1		1961	2000	AV	0.00	Y	0.00	2684	203200	0	0	103	0	20921
BASIC	2225	01	RETAIN	3.00			2002	2002	AV	32.73	N	44.19	1x 72	3180	2	SV	100	100	311
LAVATORY	450	02	BOATD	0.00			2002	2002	VP	16.00	Y	16.00	6x 40	5540	3	0	100	100	531
MAS2STK	3500																		
02 : GANGWAY	1100																		
FILLINGS	600																		

Supplemental Cards
TOTAL IMPROVEMENT VALUE

Neighborhood
Neigh 5036 AV

Appraiser/Data
SEH 02/24/2003

Data Collector/Data
SEH 09/16/2002

217786

0596000A0080

WIGGINS RICHARD A ETUX

3419 W BLACKCAP LN

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
0596000A0080
Parent Parcel Number
Property Address
3419 W BLACKCAP LN
Neighborhood
5036 CDA LAKE W SIDE-CRESCENT BAY
Property Class
537 537- Imp res rural sub
TAXING DISTRICT INFORMATION
Jurisdiction 28
Area 001
District 067000

OWNERSHIP

WIGGINS RICHARD A ETUX
212 IRONWOOD DR #D
COEUR D'ALENE, ID 83814
PILOT ROCK PARK, LT 8 BLK. A
03 48N 04W

Tax ID 108178

TRANSFER OF OWNERSHIP

Printed 10/19/2007 Card No. 1

Date

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APR 26 2016

RESIDENTIAL

VALIDATION RECORD

Assessment Year 1997 01/01/2003 01/01/2005 01/01/2006 01/01/2007

Reason for Change

VALUATION	20	Reval/MktAdj	GRN Base	Reval/MktAdj	Reval/MktAdj
L	191338	225650	372253	781733	859911
B	48662	152450	174731	210077	217786
T	240000	378100	546984	991810	1077697

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acres	120	-or- Effective	Rate	Rate	Value	Factor	
-or- Actual Frontage	Frontage	Depth	-or- Square Feet					
1 Rural Land	46.8	0.2000	1.00	6930.00	6930.00	1386		1386
2 WF Vacant Non-Buildable	46.0	100.0	1.00	2287.00	2287.00	106917 F	-104	96225
3 WF Homestead	100.0	100.0	1.00	7623.00	7623.00	762300		762300

IMP: IMPROVEMENT INFORMATION
LAND: LAND INFORMATION
RY03: REVAL
BEH-02/03
RY08: REVAL

Supplemental Cards
MEASURED ACREAGE

1.2110

Supplemental Cards
TRUE TAX VALUE

859911

Supplemental Cards
TOTAL LAND VALUE

Page 3

PHYSICAL CHARACTERISTICS

Style: 12 Avd 2 story 1989
Occupancy: Single family - Owner
Story Height: 2.0
Finished Area: 2684
Attic: None
Basement: None
Roofing Material: Comp sh to 2351
Type: Gable
Framing: Std for class
Pitch: Medium 5/12-8/12
Flooring Sub and joists 1.0, 2.0
Base Allowance 1.0, 2.0
Exterior Cover 1.0, 2.0
Interior Finish 1.0, 2.0
Drywall
Accommodations
Bedrooms 8
Finished Rooms 3
Formal Dining Rooms 1
Fireplaces: 1

HEATING AND AIR CONDITIONING

Primary Heat: Forced hot air- propane
Lower /Bant 1 Full Part
Upper Upper

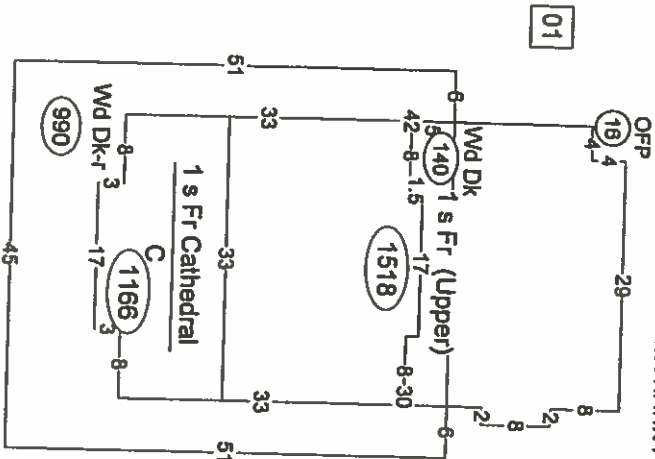
PLUMBING

3 Fltc. Baths 2 6
Klt Sink 1 1
Water Heat 1 1
TOTAL 8

REMODELING AND MODERNIZATION

Amount Date

IMPROVEMENT DATA

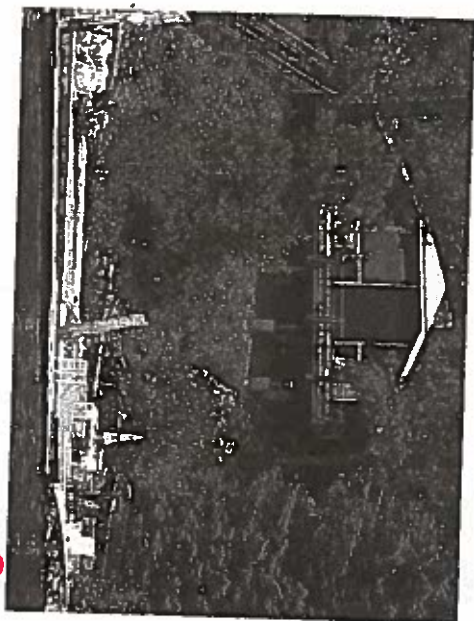


SPECIAL FEATURES

Description	Value
D : Remod 2002	
BASIC	2225
LAVATORY	450
MASSTR	3500
02 : GANGWAY	1100
PILINGS	600

SUMMARY OF IMPROVEMENTS

ID	Use	Stcy	Const	Year	Elif	Cond	Base	Feat-	Adj	Size or	Computed	Phys	Obso	Market	%	Value
D	RETRIN	01	0.00	1	1961	2000	AV	0.00	Y	0.00	2684	203200	0	0	103	0
D	BOARD	02	0.00		2002	2002	AV	32.73	N	44.19	1x 72	3180	2	SV	100	100
					2002	2002	VP	16.00	Y	16.00	6x 40	5540	3	0	100	100
																209296
																3120
																5370



0596000A0080
3419 W BLACKCAP LN
Property Class: 537

STATE OF IDAHO
COUNTY OF KOOTENAI } SS.
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY OF
THE RECORD ON FILE IN THE KOOTENAI COUNTY ASSESSOR'S
OFFICE.

BY *Mike Jones*
DEPUTY

CANNED
APR 26 2016

Data Collector/Date

SEH 09/16/2002

Appraiser/Date

SEH 02/24/2003

Neighborhood

Nelgh 5036 AV

Supplemental Cards

TOTAL IMPROVEMENT VALUE

217786

KEC

11410
CONTACT (our electric acct: 1374967)

Donna in Engineering

292-3240

FAX: 209-0440

WATER RIGHTS DATES

GROUND WATER: 5/25/63

SURFACE WATER: 5/20/71

These dates were set by legislation

domestic 0.04 cfs

18 gpm

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PLAT MAP

IDWR/NORTHERN

Borrower/Client Richard A. & Karen A. Wiggins

Address 3419 W. Black Cap Lane

Unit No. N/A

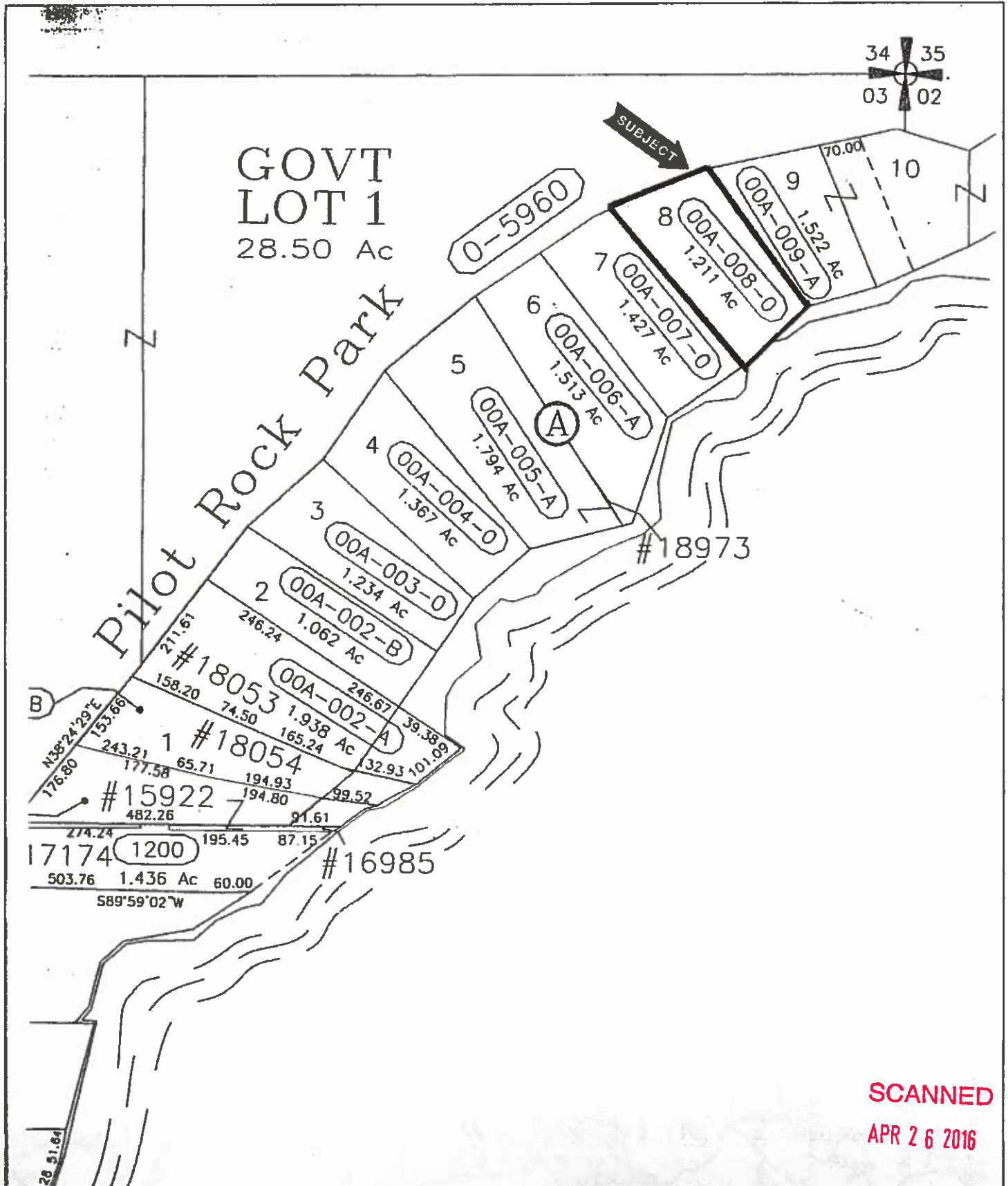
City Coeur d'Alene

County Kootenai

State Id

Zip Code 83814

Lender/Client Mountain West Bank



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Inside the area outlined in red is the original pump shed. Very hard to see because the tree blocks out most of the area.

A small shed, approximately $2\frac{1}{2}' \times 2\frac{1}{2}' \times 3\frac{1}{2}'$. Inside was the pump and electrical connections for same.

The water pipe ran down beside the tree on right and went into the lake aligned along the two pilings.

The lake was the only water source for the cabin for many years as we had no community well and a reservoir at the time. All of the people that built cabins back in the early 60's up into the 70's used lake water since it was the only source available at the time.

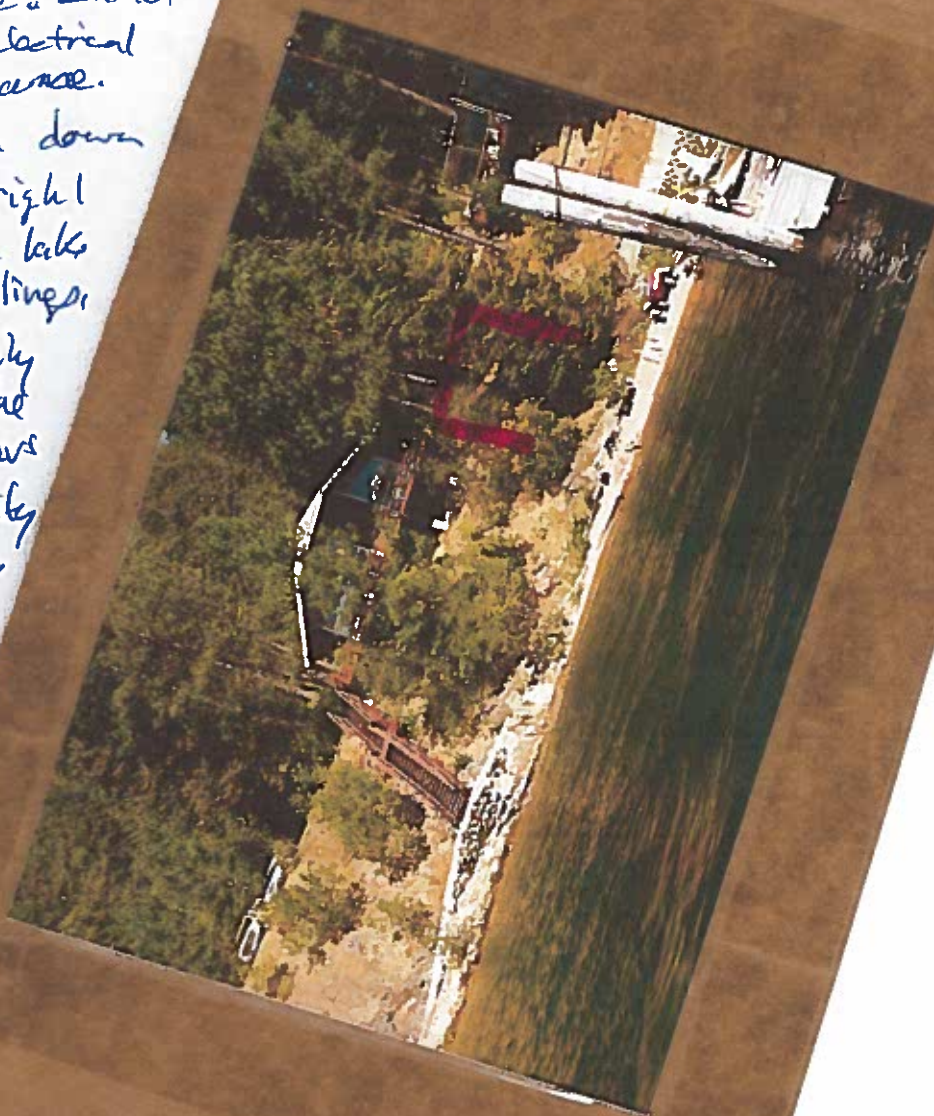
We still pump water from the same point in the lake but this water is strictly for the irrigation of trees, plants and lawn on our property.

The pump shed was situated on a concrete pad and I took it down and removed from the site after we were able to obtain water from our community well. I think there shed was on the plots back then & we paid taxes on

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APR 25 2016

IDWP/NORTHERN



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