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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: 95-12317

Date Received: 4/6/2010

Receipt No T090512

Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED
UNDER STATE LAW

1. Name of Claimant(s)

PETER DIX
11501 S FREYA RD
SPOKANE WA 99223

2. Date of Priority: 7/15/1954

3. Source SURFACE WATER Tributary to COEUR D ALENE LAKE

4. Point of Diversion

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
48N	04W	3		7	KOOTENAI	

water is pumped
from the lake

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
DOMESTIC	4/15	10/15	0.04	0

7. Total Quantity Appropriated is 0.04 C.F.S. and/or D.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		7	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

The number of homes is 1, however, there is a detached sleeping cabin with a bathroom which I believe was built in about 1963 and was always serviced by lake water.

95-12317

6/6/2012

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Priority date description: The previous owner of our cabin (Dr. Augusta Galloway) built the cabin in 1954 and he installed his water system at that time, drawing from the lake. I chose July just because he would have been using the water by that time since it was a summer home.

1958

(BQ)

Description of use: Water Use

Description

DOMESTIC

For interior of the home only if our well is not working. Mostly for yard irrigation and fire safety.

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 X 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)

Betsy Mui
Rita Mui

Date: 4/22/16

Date: 4/22/16

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

Kootenai County

Map Layers

1 2 3 4 5 6 7 8 9 10 11 12

Find: ddx, peter

Find:

Owner Name

Parcel ID	Owner Name
0-5560-004-007-0	DDX, PETER

Owner Additional

AUN: 114550 LRSN: 53707

Parcel Number: 0-5560-004-007-0

Appor Dist: 5 TRS: 484W03N2

Incorporation: NONE

Owner Information:

DDX, PETER

11501 S FREYA RD

SPOKANE, WA 99223

Site Address:

3397 W BLACKCAP LN

COEUR D'ALENE

Legal Description: BMAPG: D98

PLOT ROCK PARK, LT 7 BLK A

Acres: 1.427

Correct

<http://kccarth.kc.gov.us/map/default.html>

with a map default.html

Being drawn from lake CD# 4/17/2016

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Re: Water rights

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From: **Furbeyre Caren** (cfurbeyre@aol.com)

Sent: Sun 4/24/16 2:53 PM

To: Dix Betsy (betsydix@msn.com)

To whom it may concern,

My family has been a lot owner in the Pilot Rock Homeowners association since 1955. We, along with all of our neighbors, have drawn water from the lake for drinking, other household purposes and irrigation since that time. In the 1950's Gus Galloway was our neighbor to the north. Later, that property was purchased by Pete and Betsy Dix. We now have a developed well system for drinking only to service Pilot Rock Association which services approximately 22 homes. Irrigation and other home uses is still drawn from the lake by ourselves and our neighbors, including the Dixes.

If you have any questions, please contact me at 509 701 4585 or cfurbeyre@aol.com

Thank you

Caren Furbeyre

On Apr 21, 2016, at 12:59 PM, Betsy Dix <betsydix@msn.com> wrote:

Dear Caren McCutcheon Furbeyre,

As our adjoining neighbor to the south, and as Caren grew up in that cabin next to the original owner, Gus Galloway, I'm writing to ask you to vouch for the fact that in all the years growing up next door, Caren witnessed that Galloways (as well as everyone else at that time in Pilot Rock Park), pumped their only water from Lake Coeur d'Alene. To this day, we have the concrete pad and little shack that housed the pump below our cabin. Galloway's cabin was built in 1958 and yours might have even been earlier than that. Today, we still use the water from the lake for any outside watering and we use it as well for our clothes washing machine. Our association has a well

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system built in 1996 but we are not allowed to use that water outside our homes as it services 22 homes. Linda Werner from The Dept of Water Resources was of the belief that for you to vouch for us would be sufficient along with the fact that our cabin was built in 1958.

Thanks so much,

Betsy Dix

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Re: water rights

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From: **RAW @ Lake** (wiggins76@aol.com)

Sent: Fri 4/22/16 1:42 PM

To: betsydix@msn.com

The information stated is true.
The Dix cabin was built in 1958;
the Kitzke cabin in 1961. Our
water source was surface water
pumped from Lake Coeur d' Alene.

Karen A Kitzke

*Dear Karen Kitzke and
Dick Wiggins,*

As our adjoining neighbor to the north, and as Karen grew up in that cabin next to the original owner, Gus Galloway, I'm writing to ask you to vouch for the fact that in all the years growing up next door, Karen witnessed that Galloways as well as everyone else at that time in Pilot Rock Park, pumped their only water source from Lake Coeur d'Alene. To this day, we have the concrete pad and little shack that housed the pump below our cabin. Galloway's cabin was built in 1958 and yours in 1961. Today, we still use the water from the lake for any outside watering and we use it as well for our clothes washing machine. Our association has a well system built in 1996 but we are not allowed to use that water outside our homes as it services 22 homes. Linda Werner was of the belief that for you to vouch for us would be sufficient along with the date the cabin was built.

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K.K. - Pg 2 of 2

*Thanks so much,
Betsy Dix*

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Identify

Identify from:
Taxlots

Taxlots

DIX, PETER

Location:
2,286,940.178 1,819,150.854 Meter

Field	Value
ID	5233156
UPDATED	9/28/2015
PIN	0596000A0070
OWNER	DIX, PETER
ADDRESS1	11501 S FREYA RD
ADDRESS2	
CITY	SPOKANE
STATE	WA
ZIPCODE	99223
P_ADDRESS	3397 W BLACKCAP LN
P_ZIPCODE	
SUB_NAME	PILOT ROCK PARK
LEGAL1	PILOT ROCK PARK, LT 7 BLK A
LEGAL2	
LEGAL3	
LEGAL4	
LEGAL5	
LEGAL6	<null>
ACRES	0
COUNTY	Kootenai
SOURCE	
YEAR_BUILT	1958

Identified 1 feature

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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

April 7, 2016

PETER DIX
11501 S FREYA RD
SPOKANE WA 99223

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RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 95-12317, Location of Point of Diversion and Place of Use, Source of Water

RESPONSE DEADLINE DATE: MAY 9, 2016

Dear Mr. Dix:

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.

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, item three on the claim shows surface water as the source. Please be more specific when listing the source. For example, is the source a spring or an unnamed stream? When completing this information, please cross out the old information and initial and date any changes that you make on the claim form.

Plus, 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 and amended claim form, 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 A. Werner
Water Resource Agent, Sr.

Enclosures: Evidence of Priority Pamphlet
Copy of Notice of Claim Number 95-12317
Map

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