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DISTRICT COURT, FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In re CSRBA

Case No. 49576

STEVE AND DEANNE HAWKS,

Claimants, SUBCASE NOS. 91-7102; 91-7173

vs.

COEUR D'ALENE TRIBE, a federally recognized Indian Tribe,

Objector.

DEPOSITION OF

DEANNE AMY HAWKS

TAKEN ON
MONDAY, MAY 2, 2016
9:03 A.M.

MORRIS AND WOLFF, P.A.
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ST. MARIES, IDAHO 83861

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DEPOSITION OF

DEANNE AMY HAWKS

TAKEN ON

MONDAY, MAY 2, 2016

9:03 A.M.

DEANNE AMY HAWKS, having been first duly sworn, was examined, and testified as follows:

EXAMINATION

BY MR. MIHARA:

Q. Good morning, Mrs. Hawks. My name is Kinzo Mihara. I'm a lawyer with Howard Funke and Associates in Coeur d'Alene, and the law firm represents the Coeur d'Alene Tribe. And we're here today on two subcases in the Coeur d'Alene Spokane River Basin Adjudication, subcase No. 91-7102 and 91-7173, which I believe are your water rights claims in the CSRBA.

I believe to your right there is your attorney, Norm Semanko; and then at the end of the table is Steven Strack. This (indicating) is Dylan Hedden-Nicely. He's a lawyer also from Howard Funke and Associates, and he's just going to be sitting in today. I'll be asking the questions.

A. **(Witness nods head.)**

1 Q. We're here in a deposition. I'm not sure
2 if you're familiar with the process or not, but we
3 have a court reporter, so she's going to be
4 recording our discussions back and forth.
5 So it's important that we speak clearly
6 and speak in yes's and no's and not with body
7 language. Example, for a yes, please say "Yes."
8 Don't just shake your head up and down for a yes or
9 side to side for a no because she has to be able to
10 record it.
11 If you need any bathroom break or breaks
12 for any other purposes, if you could just let us
13 know and we can take a break and give you a break.
14 That also would be helpful. Just a few kind of
15 introduction ground rules.
16 Are you under the influence of any alcohol
17 or drugs or anything like that which would impair
18 your ability to answer questions here today?
19 A. No.
20 Q. Okay. As this is a deposition, your
21 lawyer or Mr. Strack may register an objection to a
22 question that I ask.
23 If they object to the question, please let
24 them finish their objection and get that on the
25 record for the court reporter. And once they're

finished with their objection, then you can answer the question after that.

I think that's all I have for right now. And if I think of something else, you know, we can come back to it. So we'll get started.

Could you please state and spell your full name and give your date of birth, please.

A. Deanne Amy Hawks. D-e-a-n-n-e, Amy is A-m-y, Hawks, H-a-w-k-s. 1-20-1951.

Q. Can I call you Deanne or would you like Mrs. Hawks?

A. It's Deanne.

Q. Deanne. I'm sorry.

A. That -- Deanne's fine.

Q. Deanne. Okay. Are you an American citizen and a citizen of the State of Idaho?

A. I'm an American citizen --

Q. Okay.

A. -- and a resident of the State of Idaho.

Q. Is your domicile, your permanent home, within the State of Idaho?

A. Yes.

Q. Okay. And you are married, correct?

A. Yes.

Q. Can you please state and spell your

spouse's full name and date of birth.

A. Steven William Hawks. S-t-e-v-e-n W-i-l-l-i-a-m H-a-w-k-s. 10-2-48, 1948.

Q. Okay. Thank you. And is your spouse an American citizen and a resident of the State of Idaho with --

A. Yes.

Q. -- a permanent home in the State of Idaho?

A. Yes.

Q. Are you familiar with your husband's signature?

A. Yes.

Q. Okay. Do you have any children?

A. No.

Q. Do you have any brothers and sisters?

A. Yes.

Q. Does your husband have any children?

A. No.

Q. Could you please state and spell your siblings' full names and dates of birth, if you know them.

A. Do I have to give their middle name?

Q. No.

A. Okay. Chris Wilson, C-h-r-i-s W-i-l-s-o-n, 3-29-49; and Jean Howlett, J-e-a-n H-o-w-l-e-t-t,

11-14-56; Joan Doty, J-o-a-n D-o-t-y, 11-14-56.

Q. Mrs. Hawks, have you ever been a party to a lawsuit before?

A. Yes.

Q. Okay. What kind of lawsuit was it?

A. An easement.

Q. Okay. Can you tell me about that lawsuit? Where was the lawsuit filed and where was it -- where was the property involved in that lawsuit located?

A. It was filed in Benewah County. I'm not sure what else you asked.

Q. Where was the property located? Also in Benewah County?

A. Yes.

Q. Okay. Is it the property where you live right now?

A. It was an access to our property.

Q. Okay. And can you tell me who the other parties to that lawsuit were?

A. Eric Christian and his wife.

Q. Would you happen to know his wife's name?

A. No.

Q. Okay. Approximately when was that lawsuit? When was that lawsuit?

A. 2008.

Q. Okay. Can you tell me, just as a general matter, what was the access involved? What was the -- the claim and what was the result of that?

A. It was settled out of court. He took our access to our property away and then he put it back.

Q. Okay. I'm sorry. One of the things, going back to the earlier ground rules, other than your attorney, have you prepared or consulted with anyone about this deposition here today before coming here?

A. No.

Q. All right. Getting back on track, what is your occupation, Mrs. Hawks?

A. I'm retired.

Q. What did you do before you became retired?

A. I was a high school teacher.

Q. What years of high school did you teach?

A. I have taught seven through 12.

Q. Okay.

A. Or seven through 11. I don't think I've taught 12th graders, but --

Q. What subjects did you teach?

A. Language, speech, English.

Q. Any languages other than English?

A. No.

Q. Okay. So as a teacher you've attended formal education beyond high school?

A. Yes.

Q. Where did you go to college?

A. Washington State University.

Q. Okay. And you obtained a degree, I presume?

A. Yes.

Q. What was your degree in?

A. English.

Q. English. Other than Washington State and your degree in English, have you attended any other colleges or have you attained any other degrees?

A. No other degrees. But I've attended University of Washington, Idaho, possibly extension courses through Boise State. I have like 90 credits, so --

Q. Okay.

A. -- a lot of different universities.

Q. Okay. Where have you lived within the last 20 years?

A. 89231 Highway 3 North.

Q. So basically the property in the general area of these two water rights claims?

A. Yes.

Q. So you've not lived anywhere else during that time frame, just the address you just gave?

A. Yes.

MR. MIHARA: Okay. I'm going to show you a copy of a document here, ma'am. I'm going to hand it to the court reporter and I'm going to hand it to your attorneys.

(WHEREUPON, a document headed "The United States of America" was marked as Exhibit 1 for identification.)

MR. MIHARA: I don't know if you want to see it as well, Steven.

MR. STRACK: No.

MR. SEMANKO: (Indicating.)

MR. STRACK: Okay.

MR. SEMANKO: Thank you.

MR. MIHARA: Let the record reflect that counsel for the state as well as for Mrs. Hawks has seen the document.

BY MR. MIHARA:

Q. Mrs. Hawks, have you seen a copy of that document before?

A. I don't believe so.

Q. Okay. Thank you. Could you please hand

it back to the court reporter.

A. **(Witness complied.)**

(A discussion was held off the record.)

MR. MIHARA: I'm going to hand you a copy of a -- well, Exhibit 2, please.

(WHEREUPON, a tract map was marked as Exhibit 2 for identification.)

(A discussion was held off the record.)

MR. MIHARA: Please let the record reflect letting counsel for Mrs. Hawks as well as the state review.

BY MR. MIHARA:

Q. I know this is a bad copy, Mrs. Hawks, but have you ever seen a copy of this document? And feel free to flip it to the second page as well.

A. **(Witness complied.)** This (indicating) I've seen. Without reading this (indicating) specifically, I'm not sure.

Q. And by "this" you're referencing the first page of the exhibit, No. 2, and that's marked on the bottom Bates CDAT OBJ-7102 0131 [sic]?

A. Yes.

Q. Okay. Where have you seen that document before, at least the first page of it?

A. I have copies that I -- I have copies.

Q. You have copies in your possession?
A. At home.
Q. Okay. Thank you. Can you tell me what that document is?
A. It looks like a plat map of Sylvia's Haven --
Q. What --
A. -- blocks one, two, and three.
Q. And block one is the northern part of the property, block two being just to the south of that, and block three just to the south of block two?
A. Yes.
Q. Okay. Can you tell me about your properties? Which blocks are they located in?
A. Block one and two.
Q. Okay. There's a pen right to your left there. I was wondering if you can -- on that document, can you identify your properties by drawing kind of a line around them?
A. Can I just circle or --
Q. Just if you could follow your --
A. **(Witness complied.)**
Q. And could you mark the inside of those lines you just drew with an X to denote which ones that we're talking about here.

A. I'm just trying to decide if I've gone too far on this one (indicating).

Q. If you made a mistake, feel free to scribble out the line and draw whichever line you believe is correct.

A. **(Witness complied.)**

Q. Okay. Are you familiar with the term "point of diversion"?

A. Yes.

Q. You are familiar with that term. And we're talking about two separate water rights right now, claim 91-7102 and claim 91-7173.

A. **(Witness nods head.)**

Q. Could you mark your points of diversion for both those claims with a Y and then 91 -- I'm sorry -- 7102 and 7173 next to them for each water right claim.

A. You want a Y at point of diversion?

Q. Y at the point of diversion, please.

A. **(Witness complied.)**

Q. Okay. May I see the document here, ma'am?

A. **(Witness complied.)**

Q. Now, I notice for claim 91-02 you drew your boundary out into what's marked here (indicating) as the dockage lagoon.

A. Yes.

Q. Are you familiar with your deed in which you took that property?

A. Yes.

Q. Do you know if that deed in which you took your property -- are you familiar with its legal description?

A. Have I -- I'm not sure what you're questioning me -- what you want me to --

Q. Are you familiar with the legal description of the deed you took the property to in lot -- or in block two where you've marked this X here (indicating)?

Are you familiar with those properties' legal descriptions?

A. I've seen them and read them.

Q. Okay. So is that a yes, you are familiar with them or --

A. Yes, but I couldn't state them right now.

Q. Okay. I notice that you drew your boundary a little bit into the dockage lagoon here (indicating) past these little circles here (indicating).

A. Uh-huh.

Q. Do you know if that line corresponds to

your property's legal description in your deed?

A. Yes.

Q. You do -- yes, you do know that or yes --

A. Yes.

Q. -- that is the corresponding description?

A. I don't understand your question.

Q. Are you saying yes, you are familiar with the property's legal description or are you saying yes, that the line you drew is consistent with your property's legal description?

A. Yes both.

Q. Okay. Thank you. Now, I notice for -- looks like it's lots four, five, and six that we're talking about right now, correct?

A. **(Witness nods head.)**

Q. Let's talk about lot 13. And you drew the Y just to the -- I believe the south here (indicating).

Is that Y supposed to be inside the line you drew or is it just outside of the line you drew?

A. It would be just outside.

Q. Just outside the line. Okay. Thank you.

MR. MIHARA: Could we have this document marked as Exhibit 3, please.

(WHEREUPON, a record of survey was marked

as Exhibit 3 for identification.)

MR. MIHARA: Let the record reflect I'm going to let counsel for Mrs. Hawks as well as counsel for the state review the document.

BY MR. MIHARA:

Q. Okay. Now, Mrs. Hawks, this is -- I've handed you what's been marked as Exhibit 3. Noted on its face is "Record of Survey."

Have you ever seen that document before?

A. I'm not sure.

Q. Okay. Well, fair enough. And I know it looks like the block one property is -- it falls just outside. It's noted with those dotted lines there.

But for the same thing you did for Exhibit 2, can you do that for Exhibit 3, please? I'm sorry. I took your pen.

A. Okay. So you -- exactly what do you want me to do, then? Just put a line around our properties?

Q. Please.

A. **(Witness complied.)** Whoops.

Q. And like Exhibit 2, could you mark your properties with an X and then your points of diversion with Y?

A. **(Witness complied.)**

Q. And for the claim 7102, would you just note that next to it as well and then --

A. **(Witness complied.)**

Q. And then for 7173?

A. **(Witness complied.)**

Q. Okay. And, again, we're talking about lots four, five, and six of block two, as well as lot 13, correct?

A. Yes.

Q. Thank you.

MR. MIHARA: Would you please mark this as Exhibit 4.

(WHEREUPON, a copy of an aerial photograph was marked as Exhibit 4 for identification.)

(A discussion was held off the record.)

MR. MIHARA: Please let the record reflect I'll let counsel for Mrs. Hawks as well as counsel for the state review the exhibit.

BY MR. MIHARA:

Q. Mrs. Hawks, have you seen a copy of this document before?

A. No.

Q. Okay. Can you tell me what it purports to represent, the photo?

A. Blocks -- partial block one, block two, and block three of Sylvia's Haven.

Q. Okay. And on that note, if you can, with this pen -- and it might be hard with this pen, but could do the same thing: Mark your properties with an X and then your points of diversion with Y to note each water right claim next to the point of diversion.

A. So you just want blocks two and three? There is a portion of block one up here (indicating).

Q. To the extent the photo shows your property, if you could mark blocks one, two, and three.

A. **(Witness complied.)** Whoops.

Q. Going back a little earlier to what we discussed about the lawsuit involving the access, can you show me on that photo where that -- what access that lawsuit involved?

A. It was to this property (indicating).

Q. Okay. And which property was the adverse property owner?

A. **(Indicating.)**

Q. Okay.

A. Right behind us.

Q. I'm sorry. That pen was a little bad for the photo. Would you mind retracing your lines with that Sharpie marker, please?

A. **(Witness complied.)**

Q. And would you mark the properties with an X and then your points of diversion with a Y.

A. **(Witness complied.)**

Q. May I see the exhibit, ma'am?

A. **(Witness complied.)**

Q. Thank you. And on the photo, like we discussed before, would you mark the property that was involved in the access lawsuit with an A?

A. **(Witness complied.)**

Q. Thank you.

MR. MIHARA: Could I have this marked as Exhibit 5, please.

(WHEREUPON, a deed of distribution subject to a life estate was marked as Exhibit 5 for identification.)

MR. MIHARA: Let the record reflect I'm handing it to Mrs. Hawks's counsel and counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, do you recognize this document?

A. Yes.

Q. Can you tell me what it is?

A. It's --

MR. HAWKS: Oh.

THE DEPONENT: I believe it's what my cousin left me -- left us.

BY MR. MIHARA:

Q. And your cousin is Mrs. Perkins?

A. Uh-huh. She's passed away.

Q. I'm sorry. Do we need -- if you'd like, we can take a break if this is --

A. **(Indicating.)** Just sometimes it hits me.

Q. Do you need a tissue, ma'am? There's a tissue right to your --

MR. HAWKS: They were really close, like sisters.

MR. SEMANKO: Can we go off the record for a second?

MR. MIHARA: Yeah, no problem.

(A recess was taken.)

BY MR. MIHARA:

Q. Okay. And if you need to take another break, just let us know.

A. Okay.

Q. Okay. Mrs. Hawks, now, you said Mrs.

Perkins was your cousin?

A. Yes.

Q. And that was Jill Lorane Perkins?

A. Yes. Lorene.

Q. Lorene. Okay. And so your husband and you acquired some property through her estate?

A. Yes.

Q. Can you tell me where her estate was probated at?

A. Benewah County.

Q. Benewah County. And did she live on the property that's noted in this document prior to her passing?

A. Yes.

Q. She did?

A. **(Witness nods head.)**

Q. Can you tell me which parcel of property?

A. That she lived on?

Q. Yes, ma'am.

A. Part of lot nine, block one.

Q. Okay. Now, is that the same as your current residence?

A. Yes.

Q. Okay. Do you know how long she lived there for?

A. Ten years. I -- I -- I'm pretty close -- pretty sure ten years.

Q. Ten years prior to you acquiring the property or ten years total of sometime prior in the past?

A. Will you repeat the question.

Q. Was it the ten years directly before the time you acquired the property or was it ten years sometime in the distant past before that?

A. Just -- just prior -- right prior to us acquiring it.

Q. Okay. Thank you.

A. She was living there when she passed away.

Q. Okay. Do you know how long she has -- had held that property?

A. Not for certain.

Q. Okay.

A. More than ten years.

Q. Okay. And can you tell me who Brandon Perkins is? He is named in that document, correct?

A. Her son.

Q. Okay. And that would make him your second cousin, correct?

A. Yes.

Q. Okay. Do you know his birth date or his

approximate birth date?

A. It's close to February 5th, '72, I believe.

Q. Okay. And do you know where --

A. No, it has to be after '72. '76 (indicating). Around there.

Q. In that time frame?

A. Yes.

Q. Okay. Do you know where he lives currently?

A. Yes.

Q. And where is that?

A. Grants Pass, Oregon.

Q. Okay. Are you familiar with the terms of that document?

A. I've read it --

Q. Okay.

A. -- yes.

Q. And so are you familiar with its terms or are you -- you've read the document and are familiar with the terms or have you read the document and are not familiar with the terms?

A. I don't know if I could define all the terms that are in the document right now, if that's what you mean.

Q. Okay. Do you know if the deed purported to convey water rights?

A. Yes.

Q. Okay. And can you show me in which part of that document where it purported to convey water rights?

A. **(Indicating.)**

Q. And are you -- just for the record, because we are being recorded --

A. Oh, I'm sorry.

Q. -- you're pointing to the bottom of page 1?

A. It says -- yes.

Q. Can you read the portion of the document that you are referring to, ma'am?

A. "Together with any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho."

Q. Is there any other place in that document, ma'am, that purports to transfer any water rights?

A. It says the same thing right below that (indicating) dealing with lot five.

Q. Okay. And can you --

A. It says the same thing.

Q. Okay. And can you look through that document and can you tell me if there's any other place in that document which purports to grant water rights?

A. Let's see. At the top of the same page -- or second page it's the same with lot six.

Q. Okay. Is there any other place in that document which purports to grant any water rights?

A. The bottom of page 4.

Q. Could you read that language as well, please, ma'am?

A. "This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity."

Q. Okay. Can you finish reviewing the document and tell me if there's any other place in that document which purports to transfer any water rights?

A. I don't see any other.

Q. Okay. And on the language you just read for lots four, five, and six, that was instrument

No. 156175 that was being referenced?

A. Yes.

Q. Okay. Thank you.

MR. MIHARA: Please mark this as Exhibit 6.

(WHEREUPON, a water agreement and easement was marked as Exhibit 6 for identification.)

MR. MIHARA: Let the record reflect I'm handing this to counsel for Mrs. Hawks as well as counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to hand you what's been marked as Exhibit 6. Are you familiar with that document or have you ever seen that document before?

A. I may have seen this. I just know kind of what it's talking about --

Q. Okay.

A. -- so I'm not sure if I've seen it.

Q. And so you may or may not have seen it?

A. **(Witness nods head.)**

Q. So I would take that to understand you may or may not be familiar with it?

A. Correct.

Q. Okay. All right. Thank you. On page 2

of Exhibit 6 on the top it says "Harveys' Tract" and "Chases' Tract"; is that correct?

A. Is -- that's what it says, yes.

Q. Okay. Could you please read me the properties that are described under Harveys' Tract?

A. "Lots One, Two, Three, and Four, Block Two, Sylvia's Haven," record sub -- recorded -- "a record subdivision of Benewah County, Idaho."

Q. And just like Harveys' tract, can you read me the properties described under Chases' Tract?

A. "Lots Five, Six, Seven, Eight, Nine, Ten, Eleven, and Twelve, Block Two, and Lots One, Two, Three, Four, Five, Six, Seven, and Eight, Block Three, Sylvia's Haven, a record subdivision of Benewah County, Idaho."

Q. Okay. Thank you. And, now, are you familiar with your water rights claims in this matter?

A. Yes.

Q. 7102 and 7173?

A. Yes.

Q. I'm going to turn back to one of the earlier exhibits we discussed and pull out of here Exhibit 4.

There's three boxes with X's that you've

drawn, correct?

A. Yes.

Q. And lots four, five, and six would correspond to the box with what looks like three lots circled, correct?

A. Yes.

Q. Okay. Thank you. Are you familiar with the tax parcel identification number of lot six (indicating)?

A. The what?

Q. The tax identification number of the property.

A. I've seen it.

Q. Would you know it if I read it to you?

A. No.

Q. Okay. Would you, on this photo, know if that -- if it's marked on this photo?

A. I'm not certain.

Q. Okay. Now, these properties we're talking about in Exhibit 4, do you know generally where they're located in regards to Benewah County? Do you know if the properties -- let me rephrase the question.

Do you know if the properties that are marked and partially marked in Exhibit 4 -- do you

know if they fall within Benewah County, Idaho?

A. Yes.

Q. Do you know if the properties that are -- the same properties that we just talked about, do you know if they fall within the Coeur d'Alene Indian Reservation?

A. I'm not certain.

Q. Do you know -- are you familiar with the Coeur d'Alene Indian Reservation?

A. I see a -- I've seen a sign that says entering and maybe one saying I'm leaving the reservation, but I'm not even certain where those are now.

Q. Okay.

A. I just --

Q. Have you ever seen a map of the Coeur d'Alene Indian Reservation?

A. No.

Q. Okay. So for these properties you've marked on Exhibit 4 and partially marked for block one that we're talking about, do you and your spouse pay taxes to Benewah County for those properties?

A. Yes.

Q. Okay. And do you have any reason to believe that the properties that you pay taxes on

are anything other than what's noted for the corresponding tax identification numbers for those properties?

A. I don't understand your question.

Q. Do you have any reason to believe that your assessments from Benewah County are incorrect?

A. No.

Q. Okay. So you understand that you pay taxes to Benewah County for the properties you own, correct?

A. Yes.

Q. Are you paying any other taxes in relation to any property that is not marked on Exhibit 4 there?

Let me rephrase the question because you're looking a little confused.

A. Okay.

Q. Other than the properties you've marked on Exhibit 4, do you and your spouse own any other properties in Benewah County, Idaho?

A. No. Oh, this (indicating) extends back up here (indicating).

Q. Further, correct?

A. Yes.

Q. And what you just referenced, because we

have to, you know, make our record for the court reporter here --

A. Yes.

Q. -- you are referencing on Exhibit 4 the extent of property you've marked on Exhibit 2 (indicating)?

A. Yes.

Q. Okay. Thank you. So other than the properties on Exhibit 2 and Exhibit 4, you don't own any other property in Benewah County?

A. The one -- the last two you just showed me?

Q. Correct. If you need to see them again, we can pull them out.

A. We don't own any other property other than what I've marked.

Q. Okay. Thank you. Going back to Exhibit 5, can you tell me if the properties noted in Exhibit 5 are the same properties that you've noted on Exhibit 2 and Exhibit 4?

So is this (indicating) the extent of the property, can you tell me, that is described in this deed (indicating) or does this deed convey to you more property than what has been marked on Exhibit 4 and Exhibit 2?

A. This document (indicating) does not include all of the property that I have marked.

Q. Okay. So the deed included more property than the property you have marked?

A. No, other way around. This (indicating) includes less than what I have marked.

Q. Okay. So since you took this property (indicating) by this deed (indicating), you and your husband have acquired more property?

A. No.

Q. Have you and your property -- you -- I apologize.

Have you and your husband sold property that --

A. No.

Q. -- have -- no.

A. **(Witness shakes head.)**

Q. Okay. Turning back to Exhibit 4, ma'am, it looks like the line you drew extends somewhat into the water area here (indicating); is that correct?

A. Yes.

Q. Okay. And I'm going to reference you back to Exhibit 3. Now, do you see -- on Exhibit 3 do you see the little circles (indicating) on the lines

between lots four and five and five and six?

A. No, I don't see any circles.

Q. I'm just going to point with my pen (indicating).

A. Oh. Yes, I see those.

Q. You see -- could you take your black Sharpie marker and please -- or, actually, just take the regular ballpoint pen, please, and circle outside those circles.

A. Circle around the circles?

Q. Yes, ma'am.

A. **(Witness complied.)**

Q. And that's Exhibit 3 we're talking about, correct?

A. Yes.

Q. Okay. Have you ever seen any surveyor pins on your properties on lots four, five, and six?

A. You mean the ones with yellow on them or -- I have. Okay. I have.

Q. Okay. Do you know where those are located in relation to your diversionary works, your points of diversion that you've marked there with a Y?

A. Do I know -- yes. Do I know where they are in -- yes.

Q. Okay. Can you tell me, are they closer to

the water or are they further upland than your point of diversion?

A. I'm not sure I -- upland?

Q. Upland.

A. To --

Q. Are they closer to the water than your point of diversion or are they further away from the water than your point of diversion?

A. Oh. Well, the only -- the only pins that I see are on lot four --

Q. Okay.

A. -- and that is not point of diversion.

Q. Okay. So other than lot four, you don't know -- you have not seen any surveyor pins on your property?

A. You know, I may have with Jill at one point years ago, but I don't -- I haven't seen them --

Q. Okay.

A. -- lately.

Q. Okay. Now, going back to this line that you drew into the water area on Exhibit 4 (indicating) --

A. Uh-huh.

Q. -- you're basing your claim to the

property you circled here (indicating) on your deed. Am I correct?

A. No.

Q. Okay. Can you tell me whether you're basing your claim on ownership of this water area (indicating) that you've kind of circled here on any document?

A. We have this (indicating) in a larger size, Exhibit 3, in a larger size that we can actually read the numbers, the -- the (indicating) -- the measurement.

Q. So you have a copy of Exhibit 3 in a larger size. Am I correct?

A. Yes.

Q. And where do you have that document, ma'am?

A. At home.

Q. Okay. And in that copy of Exhibit 3 that you have in the larger size, can you tell me if what's noted on that -- if your property boundary extends into what's noted on Exhibit 3 as the lagoon?

A. I'm sorry. I'm -- I'm -- you'll have to say that again.

Q. On the copy of Exhibit 3 that you have at

your home, the larger copy --

A. I believe it's the same thing.

Q. -- what you believe is the same thing --

A. Yes.

Q. -- can you tell me if your property boundary on that document that you just referenced extends into what's marked on Exhibit 3 as the lagoon (indicating)?

A. To my knowledge, yes --

Q. Okay.

A. -- because of measurements.

Q. Okay. On the copy of the document that you have, is there a corresponding page which looks like page 2 of Exhibit 3?

A. I'm not certain.

Q. Okay. Are you aware or have you ever heard that the United States Supreme Court had quieted title in favor of the Coeur d'Alene Tribe to the submerged lands underlying navigable waters within the exterior boundaries of the Coeur d'Alene Indian Reservation?

A. Have I heard that?

Q. Yes.

A. Yes.

Q. Where did you hear that?

A. Newspaper.

Q. Okay. Anywhere else?

A. People have talked about it.

Q. Is it generally known in the community?

A. I don't know.

Q. Okay. How many people have you heard about it from?

A. **(Indicating.)**

Q. How many people, if you had to estimate?

A. You mean how many people have come up to me and said, "Do you" -- "Are you aware of this?" Is that what you mean? Or --

Q. If you've ever heard it discussed in passing.

A. Oh. How many people have actually talked about -- to me about that?

Q. Or have you heard discuss it.

A. Oh. Fifty.

Q. Okay.

A. That's just a wild guess.

Q. Okay. Fair enough. So we're talking more than just a handful?

A. Yes.

Q. Okay. Thank you. Now, I'm going to try to organize myself here because we've kind of spread

these exhibits out while we've been discussing them. So I'll take a minute here and get them back in order for the court reporter so we're not --

Could you please mark this as Exhibit 7, please.

(WHEREUPON, a State of Idaho Department of Water Resources Application for Permit was marked as Exhibit 7 for identification.)

MR. MIHARA: Please let the record reflect I'm handing this to Mrs. Hawks's counsel, and pass it down to counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to hand you what's been marked as Exhibit 7. Are you familiar with that document?

A. Yes.

Q. And can you tell me if your or your spouse's signature is present on that document?

A. My spouse.

Q. Your husband?

A. Yes.

Q. And can you tell me which page his signature is present on? And by "which page" I -- if you could reference the little numbers in the bottom right corner.

A. CDAT OBJ-7102 0015.

Q. And that is your husband's signature?

A. Yes.

Q. Okay. Can you turn to the last page of that exhibit.

A. **(Witness complied.)**

Q. And do you see a place on that page where it says "Action of the Director, Department of Water Resources"?

A. Yes.

Q. Is there -- can you read what's been marked under letter e.?

A. "Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another."

Q. And would you know why that notation is on that document?

A. Because at that point we did not own the land that we were -- that the pipes went through. It belonged to Cy Chase.

Q. Okay. And did you know Cy Chase?

A. Yes.

Q. And by "Cy Chase" we're talking about Cyril Chase?

A. Yes.

Q. Okay. How did you know Cy Chase?
A. He had property out by ours.
Q. Okay. Did you know him well or was he just an acquaintance as a neighbor?
A. Fairly well.
Q. Okay. How long have you known Cy Chase?
A. Let's see. He's -- he passed away.
Q. Okay.
A. So we met him when we moved out there, and we -- 30 years --
Q. Thirty years?
A. -- before he passed away, I'd say.
Q. Okay.
A. That's not an exact, but --
Q. Okay. Do you know when he passed?
A. I would -- do you want me to guess?
Q. I don't want you to guess.
A. Okay.
Q. If you --
A. I don't know exactly.
Q. You don't know. Do you know if it's recently, within the last five years, or more distant, within, say, the last ten years?
A. Within the last ten.
Q. Within the last ten years.

A. **(Witness nods head.)**

Q. Okay. And so Mr. Chase owned the property -- some of the property which is noted here (indicating) on Exhibit 4?

A. Yes.

Q. Okay. And which property did Mr. Chase own prior to selling it to you?

A. He didn't sell any to us.

Q. How did you acquire property from Mr. Chase?

A. We didn't acquire property from Mr. Chase.

Q. Turning to Exhibit 7 here --

A. Uh-huh.

Q. -- on what's marked as CDAT OBJ-7102 0014, under item 11a. here (indicating), can you read to me what that says?

A. "Who owns the property at the point of diversion? Cyril Chase."

Q. Okay. And forgive me if I misheard you, but what I heard you say was that at that time Cyril Chase owned that property.

A. Yes.

Q. Who owns the property now?

A. We do.

Q. How did you acquire the property? Did

Cyril Chase sell the property to somebody else before --

A. Yes.

Q. Okay. And who was that person?

A. Jill Perkins.

Q. Okay. Do you know when Mrs. -- Cyril Chase sold the property to Mrs. Perkins?

A. No.

Q. Okay. So at one point in time you owned property -- you owned some of the property noted on Exhibit 4 but not other property?

A. Yes.

Q. Okay. And which property did you own prior?

A. Prior to what?

Q. Prior to acquiring the property that Cyril Chase sold to Mrs. Perkins.

A. Part of lot nine, block one.

Q. Okay. And this is what's marked as the top X (indicating) on Exhibit 4?

A. Part of that, yes.

Q. Part of that. Okay. I'll turn back to Exhibit 7 here. Can you tell me the date that's marked on the bottom of the last page of Exhibit 7 (indicating)?

A. This date (indicating)?
Q. Yes, ma'am.
A. December 27, 1988.
Q. And can you tell me if there's a signature above that date?
A. Yes.
Q. Are you familiar with that signature?
A. No.
Q. Okay. Can you tell me if there's a date above that signature?
A. Yes.
Q. And what is that date?
A. 6th day of October, 1988.
Q. Okay. Turning to page -- what's marked as CDAT OBJ-7102 0015, can you tell me if there's a date on this page?
A. Yes.
Q. And can you tell me what that date is?
A. December 27, 1988.
Q. And that's the date right next to Mr. Hawks's signature, correct?
A. Yes.
Q. Okay. Can you read to me what's marked under item No. 2 on the first page of Exhibit 7?
A. "Source of water supply, St. Joe River,

which is a tributary of Coeur d'Alene Lake."

Q. Okay. Now, is that the same source of water that we were talking about on Exhibit 4 when you marked your points of diversion with Y's?

A. Yes.

Q. Okay.

A. The water, yes.

Q. Okay.

MR. MIHARA: Could we mark this as Exhibit 8, please.

(WHEREUPON, an affidavit of publication was marked as Exhibit 8 for identification.)

MR. MIHARA: Mrs. Hawks, I'm going to hand your counsel what's been marked as Exhibit 8.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to hand you Exhibit 8. Have you ever seen a copy of that document before?

A. This document (indicating)? No. No.

Q. You've never seen that document before?

A. Not that I recall.

Q. Okay. Thank you.

A. I have seen this portion (indicating).

Q. Okay. Can you tell me which portion of the document that you're referencing to me?

A. It's the -- what was printed in the Gazette Record -- I'm guessing the Gazette Record -- "Application for water right filed by Hawks."

Q. Okay. Can you read the head notation on that portion which you just pointed to?

A. Notation of application for water right?

Q. The point -- now I'm going to gesture and point out a portion of this document.

A. Okay.

Q. Is this (indicating) the part of the document that you just indicated that you were familiar with?

A. That I've seen before, yes.

Q. Okay. Can you read me the heading notation right here (indicating)?

A. "Application for water right filed by Hawks."

Q. Okay. Thank you. We just have to make the record for -- the court reporter's taking this down in writing, so it's hard to identify certain portions of documents when you just point to them.

A. Okay.

Q. Can you tell me -- on this portion (indicating) which you indicated, can you tell me if there's a source notation there (indicating)?

A. Yes, there is.

Q. And what does it say under "Source"?

A. "St. Joe River."

Q. Okay. On this same portion of this document (indicating), can you tell me, does it say "In"?

A. Yes.

Q. And can you tell me what it says next to the word "In"?

A. "T46N R02W S07 Lot 1 (NESE)."

Q. Okay. Thank you. And is there a notation on this portion (indicating) of the document that says "Diversion Pt"?

A. Yes.

Q. Can you read what's marked next to that?

A. "Lot 1 (NENESE) Sec."

Q. Okay. And this portion here (indicating) relates to your water right claim 91-07102, correct?

A. Yes.

Q. Okay. Thank you. Mrs. Hawks, are you aware if the Idaho Department of Water Resources ever came out and investigated your claim for 91-0702 [sic]?

A. Yes.

Q. And did they?

A. Yes.

Q. Okay. Do you know when they did that?

A. No.

Q. Okay. You don't know when. Were you ever present when they did come out and do that?

A. No.

Q. You were not. Okay.

MR. MIHARA: Would you please mark this as Exhibit 9, please.

(WHEREUPON, beneficial use field report documents were marked as Exhibit 9 for identification.)

BY MR. MIHARA:

Q. Now, I think the course of the questions may be very quick. Have you ever seen a copy of this document, Mrs. Hawks?

A. Do you want me to look through it?

Q. If that would help you.

A. I don't believe so.

Q. Okay. Thank you. Can you tell me if you hold any permits or licenses from the Coeur d'Alene Tribe?

A. No.

Q. Do you know if your husband holds any permits or licenses from the Coeur d'Alene Tribe?

A. No.

Q. Okay. Do you know if either you or your husband have exchanged any correspondence with the Coeur d'Alene Tribe?

A. Yes.

Q. And can you tell me in regards to what was that correspondence about?

A. At one point we had a dock on the river --

Q. Okay.

A. -- and they sent us notices that we needed to pay them money.

Q. Did you or your husband ever reply to any of those notices?

A. I wrote on one of them after we removed the dock that the dock was no longer there and sent it back to them, but -- (indicating).

Q. Okay. Did you keep a copy of that?

A. No.

Q. Okay. Do you know if either you or your husband ever applied for a -- any permit or license from the Idaho Department of Lands for any structures out in the water at either of your diversion points?

A. Is that the same as the Department of Water?

Q. Are you --

A. I don't know.

Q. Okay. Thank you.

MR. MIHARA: Would you please mark this as Exhibit 10, ma'am.

(WHEREUPON, a water right license was marked as Exhibit 10 for identification.)

MR. MIHARA: Let the record reflect I'm handing this to Mrs. Hawks's counsel and counsel for the state.

BY MR. MIHARA:

Q. I'm going to show you what's been marked as Exhibit 10 here, ma'am. Take a look at that document.

A. **(Witness complied.)**

Q. Have you ever seen a copy of that document before?

A. Probably. I know we have water licenses, but I'm not certain if this --

Q. Okay. Fair enough. Now that we're looking at it today --

A. Uh-huh.

Q. -- can you read to me this first part (indicating) and end after -- end right before this "Beneficial Use" (indicating). So just this top

part here (indicating).

Could you read that to me, please?

A. From "Priority" or -- "This is to certify"?

Q. From "Priority," ma'am.

A. "Priority: July 22, 1988 "Maximum Diversion Rate: 0.02 CFS "Maximum Diversion Volume" -- there's a little one up there -- "0.6 AF. "This is to certify that Steve Hawks, Route 2, Box 86, St. Maries, Idaho, 83861, has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 22nd, 1988; and has submitted Proof of Beneficial Use on October 19, 1988. An examination indicates that the works have a diversion capacity of 0.20 cfs of water from: "St. Joe River tributary to Coeur d'Alene Lake source, and a water right has been established as follows."

Q. Okay. Does that language accurately depict your address within that language?

A. At that time.

Q. Okay. And does that language accurately reflect your diversion rate and your diversion volume -- or do you know?

A. I don't know.

Q. Okay. Can you tell me the dates under

what's marked "Period of Use" on the first page of Exhibit 10?

A. "03/15 to 11/15."

Q. And do you know what those numbers represent?

A. March 15th to November 15th.

Q. Okay. Thank you.

MR. MIHARA: Could you mark this as Exhibit 11, please.

(WHEREUPON, a document entitled "Idaho Department of Water Resources Recommended Water Rights under State Law" was marked as Exhibit 11 for identification.)

MR. MIHARA: Let the record reflect that it's been handed to counsel for Mrs. Hawks and then counsel for the state.

BY MR. MIHARA:

Q. I'm going to hand you what's been marked as Exhibit 11, Mrs. Hawks. Are you familiar with that document at all?

A. Yes.

Q. Is the word "Source" noted on that document?

A. Yes.

Q. Can you read to me what's marked next to

the word "Source"?

A. "St. Joe River" --

Q. Okay.

A. -- "Tributary: Coeur d'Alene Lake."

Q. Does it have any other source noted other than the St. Joe River?

A. Tributary? Is that what you mean?

Q. I mean can you tell me if there's any other source of water?

A. No.

Q. No, you can't tell me that -- whether there is or no, there is no other source listed?

A. The only source listed right next to the word "Source" is St. Joe River.

Q. Okay. Can you read to me what it says under "Period of Use"?

A. "Purpose of Use"?

Q. "Period of Use."

A. I'm sorry. It says "Purpose of Use" right by "Period of Use" (indicating).

Q. Okay.

A. Oh, I'm sorry. I was looking here (indicating). You mean here (indicating)?

Q. Yes, ma'am.

A. It also says "Period of Use" in another

location, and that says "03/15 11/15."

Q. And do those correspond to the numbers on Exhibit 10?

A. Yes.

Q. Okay. Thank you. Can you take a look at the bottom of the -- actually, it would be in the middle of Exhibit 11 where it says "Explanatory Material."

Do you see that?

A. Yes.

Q. Can you read to me what it says next to and under where it says "Explanatory Material"?

A. "Basis of Claim" --

Q. Okay.

A. -- "License" --

Q. Okay.

A. -- "Parcel No. RP005300200061A for point of diversion. "Parcel No. RP00530010009AA and RP005300100095A for place of use."

Q. Okay. Do you understand what those notations mean?

A. Yes.

Q. And what is your understanding?

A. That the point of diversion --

Q. Okay.

A. -- is this parcel (indicating).

Q. And which parcel are you referencing, ma'am?

A. Oh, I'm sorry. RP005300200061A.

Q. Okay.

A. And that the other two parcels are where the water's pumped to.

Q. Okay. Thank you. Going back to the access lawsuit you mentioned earlier -- and please forgive me. My memory isn't what it was when I was younger.

Could you tell me who the adverse -- the neighbor that you were having the access issue, what their name was?

A. Eric Christian.

Q. You did mention that earlier. Does Mr. Christian still live next to you at that --

A. No.

Q. Do you know if Mr. Christian has sold that property?

A. Yes.

Q. Do you know who he sold that property to?

A. Yes.

Q. And who are the people or person who he sold that property to?

A. Todd and Jill Fix.

Q. And do you know how to spell the last name on that?

A. F-i-x.

Q. Okay. Do you know if they currently live there?

A. They don't -- they don't live there.

Q. Okay. Do you know if that's a secondary home that they own?

A. I believe so.

Q. Okay. Do you know where they -- where their primary home is?

A. Spokane area.

Q. Okay. Other than Mr. Fix, do you know any of your other neighbors in the general vicinity between the parcel -- between your parcels down there?

A. Which par -- the --

Q. We'll just pull Exhibit 3. So the Fixes I would understand to own parcel 12 (indicating) --

A. Yes.

Q. -- of block two.

A. Yes.

Q. Okay. Do you know any of your other neighbors in block two (indicating) or in block

three (indicating) or in block one (indicating)?

A. Know who they are?

Q. Yes.

A. Yes, I do.

Q. Okay. Do you interact with your neighbors?

A. Some --

Q. Which --

A. -- of them. The owners of block two, lot 11 and ten.

Q. And who are those people?

A. Eric and Rhonda Seagraves.

Q. Okay. And which lot is the Seagraves's?

A. Block -- block two, lots 11 and ten.

Q. So they own both of them?

A. Yes.

Q. Other than the Seagraves, do you interact with any of your other neighbors down there?

A. Just around this area (indicating), you mean, or --

Q. Where it's depicted here (indicating), ma'am.

A. Oh.

Q. And I --

A. Enough to say hello.

Q. Okay. Other than that, people generally keep to themselves?

A. Yes.

Q. And forgive me. I broke one of my own rules when I gestured to the -- to what's depicted on Exhibit 3 here (indicating).

I gestured to block two and block three, is that correct, ma'am?

A. Yes.

Q. Okay.

A. But can I clarify something also? I didn't know you meant all of that (indicating).

Q. Okay.

A. We also interact with the -- and I don't know their last name now -- Cathy and Bill that own lot two of block -- lot two of block two.

Q. Okay. So Cathy and Bill, and you just don't know their last name?

A. No. She just married --

Q. Okay.

A. -- Bill. We also know the owners of lot one, block two (indicating).

Q. Okay.

A. But that's just a summer property. We don't -- they no longer live here, so we don't see

them very much.

Q. And who are those people, ma'am?

A. Laurie and John Stackow.

Q. Okay. So other than those people on blocks two and three, you don't interact with many of your neighbors down there other than the ones you just indicated?

A. We'll visit if we see them out there, but not -- not like we know these people --

Q. Okay.

A. -- right there (indicating).

Q. So people are generally friendly but keep to themselves?

A. Yes.

Q. Is that a fair assessment?

A. Yeah. They do their own thing, yes.

Q. Okay. Thank you. Do you and your husband own a boat?

A. Yes.

Q. What kind of boat do you own?

A. A little aluminum boat.

Q. Okay. Do you know how long approximately?

A. I believe it's -- you'll have to ask him.

Q. Okay. And do you use it either on the St. Joe River adjacent to your property there or

anywhere else?

A. Yes.

Q. Okay. Do you -- forgive me. I kind of stacked my question on you.

Do you use it in the St. Joe River adjacent to your property that's been marked on Exhibit 3?

A. Yes.

Q. Okay. And do you use it in and out of what's marked on Exhibit 3 (indicating) as the lagoon area?

A. Yes.

Q. Okay. And do other people, any of your neighbors, own boats down there?

A. Yes.

Q. Do you know approximately how large or small your neighbors' boats are?

A. Pleasure boats. (Indicating.) No. I'm not good at that.

Q. How many people have you seen on a boat down there?

A. On the river?

Q. Yes, ma'am.

A. I can't guess. I mean they're by all summer long.

Q. So hundreds? Thousands?

A. In what time frame?

Q. In a day how many people --

A. Oh.

Q. -- do you usually see in boats?

A. Winter? Summer?

Q. In the summer.

A. Probably on a weekend, 30 --

Q. Okay.

A. -- or more.

Q. Okay.

A. I don't count them.

Q. Fair enough. I wouldn't think it would be something somebody would be noting.

Do you know what time of the year the water is usually at its highest? And by "the water" I mean the water of the St. Joe River.

A. This year? Last year?

Q. Any year.

A. It -- it varies.

Q. Okay.

A. So what are you asking me now?

Q. At the earliest when does the water --

A. Oh.

Q. -- get high?

A. It has in January before.

Q. Okay.

A. And it's waited until July before.

Q. Okay.

A. And anywhere in between.

Q. Okay. Are you familiar with the term "ordinary high water mark"?

A. I've heard it before, yes.

Q. Okay. In what context have you heard it before?

A. With Avista, I believe.

Q. Okay. And did you hear it from somebody from Avista or from somebody else?

A. Probably in literature.

Q. Could you give me the name of the literature or the document?

A. No. I don't know.

Q. Okay. And what do you understand the term "ordinary high water mark" to mean?

A. Does it mean summer level? Summer level.

Q. Okay. Do you know what the elevation of the ordinary high water mark is in relation to your property?

A. No.

Q. Okay. Would you equate the term "summer

level" with "ordinary summer pool"?

A. I don't know what that term means.

Q. Okay. Have you ever seen documents which would set forth any understanding of where the ordinary high water mark or summer pool would be?

A. The word "ordinary" is -- is confusing me.

Q. Okay. Are you familiar with the term "navigable waters"?

A. Yes.

Q. Okay. Would you consider the waters adjacent to the properties you've marked on block two (indicating), being the ones with the points of diversion 7173 and 7102, would you consider those waters to be navigable?

A. At the point of diversion? Is that what you're asking me?

Q. Well, the waters adjacent, the waters right next to where you've marked -- made those marks.

A. Can you put a boat there? (Indicating.) Depends on the time of year.

Q. When the water's at its -- normally its highest during the year?

A. Yes.

Q. Okay.

MR. MIHARA: Forgive me. I'm just putting these back in order so we don't get confused here.

Would you mark this as Exhibit 12, please.

(WHEREUPON, a State of Idaho Department of Water Resources Beneficial Use Field Report Supplement was marked as Exhibit 12 for identification.)

MR. MIHARA: I'm just going to hand this picture to your attorney here, let the record reflect attorney for Mrs. Hawks, counsel for the state.

BY MR. MIHARA:

Q. I'm showing you what's been marked as -- oh, I'm showing it to you upside down. I apologize. I'm going to show you what's been marked as Exhibit 12.

Have you ever seen a copy of that photo before?

A. I'm not certain.

Q. Okay. Can you tell me what --

A. Maybe.

Q. Can you tell me what's written in blue on the bottom?

A. 91-07102.

Q. And what do you understand that writing to

be?

A. It's our license number for our irrigation diversion.

Q. Okay. And that's in relation to the -- what is it, lot four or lot six?

A. Yes.

Q. Lot six, correct?

A. Yes.

Q. Okay. So that's your water right claim number for lot six?

A. Yes.

Q. Okay. And can you read to me what's -- the handwriting right next to that photo (indicating), can you read what that says?

A. Looks like "The PD."

Q. Would you understand what "The PD" means?

A. No. Oh. Maybe. I just -- point of diversion.

Q. Okay.

A. I don't --

Q. Okay. Can you tell me what's depicted in that photo?

A. It's the lagoon.

Q. Okay.

A. And it looks like the point of diversion

for our irrigation is right there in orange (indicating).

Q. Okay. Can you take the Sharpie marker and circle the --

A. My --

Q. -- orange --

A. Thingy?

Q. -- thingy that you just referenced?

A. **(Witness complied.)**

Q. For the sake of ease we'll just call it the orange thingy. Is there a boat behind the orange thingy?

A. Yes.

Q. Okay. Is it a small boat?

A. It doesn't appear to be.

Q. Is it a large boat?

A. It looks like a large boat to me.

Q. Okay. And is that on the same water as the orange thingy that you just circled?

A. Yes.

Q. Okay. Have you seen boats larger than that in the same area?

A. No.

Q. So that's about the largest size boat that you've seen in there?

A. Yes.

Q. Okay. And can you tell me what date is on that document?

A. 8/8/89.

Q. And what month would you understand that date to be?

A. August.

Q. Okay. Do you know if the orange thingy is still where it's depicted at in that photo?

A. I don't know. There's some landmarks (indicating) that are -- are not here that I would reference, so --

Q. What are the landmarks that you would reference that are not depicted in that photo?

A. A big culvert.

Q. Okay. And where -- and is the culvert -- would that be laying side to side or would it be laying up -- straight up and down?

A. Up.

Q. Okay.

A. I just don't see it.

Q. Okay.

MR. MIHARA: Could you mark this as Exhibit 13, please.

(WHEREUPON, a photocopy of photographs was

marked as Exhibit 13 for identification.)

MR. MIHARA: Okay. Let the record reflect that counsel for Mrs. Hawks and counsel for the state are taking a look at Exhibit 13.

BY MR. MIHARA:

Q. Mrs. Hawks, showing you what's been marked as Exhibit 13, are you familiar with what those photos depict?

A. Yes.

Q. And what is that?

A. It's our pump and pipe.

Q. Okay. And is it the same one that we were discussing in relation to lot six?

A. Yes.

Q. And can you tell me if that culvert is -- adjoins lot five at all or lot seven at all? Is it closer to lot five or is it closer to lot seven?

A. Five.

Q. It's closer to lot five?

A. **(Witness nods head.)**

Q. Okay. And we discussed pins earlier.

A. **(Witness nods head.)**

Q. Can you tell me if you've ever seen any surveyor pins around that culvert?

A. No.

Q. Never seen any. Okay. Do you understand how that culvert or how the pump and those pipes work in what's depicted in that photo?

A. The culvert has nothing to do with our materials that we use to divert water.

Q. Okay.

A. It was there prior. Yeah. I don't know.

Q. Well, when you say, "It was there prior," and you say, "I don't know," you just referenced Exhibit 12, correct?

A. Yeah.

Q. Do you know when that culvert was installed?

A. No, I -- I don't recall exactly. It may have been there when we moved out there, but I'm not certain.

Q. Okay. So you wouldn't know who installed that --

A. Yes.

Q. -- what's -- you do know who installed what's been --

A. Uh-huh.

Q. Okay. Can you tell me who installed that?

A. Joe Marcea.

Q. And who is -- Joe Marcea?

A. Uh-huh.

Q. J-o-e, not --

A. Uh-huh.

Q. Okay. Can you tell me who Joe Marcea was?

A. He owned land up above us and all the pasture land behind us.

Q. Okay. Do you know what he used that culvert for?

A. For a -- a point [sic] he -- he drew water out of the -- the lagoon and irrigated the pasture for cows.

Q. So do you use any of the water which is diverted through this culvert (indicating) which is marked on --

A. There is no water diverted through that culvert. All of our stuff is outside (indicating) that culvert.

Q. Is it on the landward side or is it on the waterward side?

A. Is what? Our stuff?

Q. Right.

A. It's right next to the culvert.

Q. Could you take the Sharpie marker and mark your pipes and pump as separated from the culvert, what's yours and what's Mr. Marcea's -- or was Mr.

Marcea's?

A. **(Witness complied.)**

Q. Okay. Do you see a little hole in the bank (indicating)?

A. Yes.

Q. Okay. Do you know if -- what that is?

A. The culvert.

Q. Well, there's -- then we would be talking about two culverts correctly, ma'am?

A. Yes. Oh, I assumed you were talking about that one (indicating) with all those questions.

Q. Well, before I was talking about that one.

A. Okay.

Q. For sake of ease could you write a number one on what you just pointed to?

A. **(Witness complied.)**

Q. And could you write a number two next to what we're talking -- what we're talking about now in the bank?

A. The other culvert?

Q. Correct, ma'am.

A. **(Witness complied.)** Oh.

Q. Could you mark it next to -- is what you just marked a two on in the picture above, this picture above (indicating)?

A. Oh. Yes.

Q. Could you mark a two next to the culvert as opposed to over it?

A. **(Witness complied.)**

Q. Okay. Thank you. Can you tell me if what -- the culvert that you marked number two, if that is in relation to your diversion works or Mr. Marcea's diversion works?

A. It's to drain water from the highway -- it sits on the highway -- down into the lagoon.

Q. Okay. And that's what it is?

A. That's what it was put there for.

Q. Okay. Do you know --

A. You'll --

Q. -- if it's used for anything --

A. You'll have to ask my husband that.

Q. Okay.

A. He's the one that's in charge of all that, so -- I don't know if he uses it for anything else.

Q. Okay. Thank you, ma'am. Now, in relation to the culverts that you just marked one and two, is that the water level that is -- where it usually is at its highest or does it fluctuate lower and higher depending on the year?

A. Yes.

Q. Can you take that Sharpie marker and mark a line in relation to that culvert where the water sits at its highest level, what you referenced as summer pool earlier?

A. This (indicating) looks pretty close to summer pool.

Q. Okay.

A. Or it's summer level -- the level it is today.

Q. Okay.

A. It looks --

Q. So it's where it is today approximately?

A. Yeah. As far as I can tell, yeah. I haven't looked at that (indicating) from (indicating) the other side lately, but --

Q. Okay.

A. -- yes.

Q. Now, does water -- from today's date, does it usually go up or does it usually go down for the rest of the summer or does it stay where it's at?

A. Pretty close to where it's at.

Q. And for how many months does it usually stay close to where it's at?

A. Through the summer, until they draw the water down starting right after Labor Day.

Q. And by "they" who do you mean?

A. Avista at the dam, I guess.

Q. And by "the dam," do you know where that dam is?

A. Post Falls.

Q. Okay. All right. I'll put these back.

MR. MIHARA: Would you mark this as Exhibit 14, please.

(WHEREUPON, a correction deed was marked as Exhibit 14 for identification.)

MR. MIHARA: Let the record reflect I'm handing this to Mrs. Hawks's counsel and counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, before I show you what's been marked as Exhibit 14, let me just turn you back to Exhibit 13.

Do you know how the water gets from here (indicating) in the water up to your pipes (indicating)?

A. There's a pump.

Q. Do you know where that pump is? Is it in the water or is it --

A. No.

Q. Is it --

A. It's within -- it's up in here (indicating).

Q. It's up in there?

A. Uh-huh.

Q. Can you circle that general area where your pump is?

A. **(Witness complied.)**

Q. Okay. Thank you. And do you know if there's any pipes or anything else that go out into the water to get the water there or how does the water get from where --

A. It --

Q. -- it is up into your --

A. Yes. There's a little pipe.

Q. There is a little pipe?

A. Uh-huh, just right down in here (indicating).

Q. Can you mark with an X where you note just in there?

A. **(Witness complied.)**

Q. Do you know how far into the water it goes?

A. Into the water. Probably a foot, foot and a half --

Q. Okay. Do you know --

A. -- of the bank.

Q. Okay. Do you know how large a diameter the pipe is?

A. Small.

Q. Could you --

A. **(Indicating.)**

Q. -- draw an approximate circle in the white space on that paper?

A. **(Witness complied.)**

Q. And put a D in it for diameter so we know what we're discussing?

A. **(Witness complied.)**

Q. Okay. Thank you. Now I'm going to hand you what's been marked as Exhibit --

A. Okay.

Q. -- 14, been shown to your counsel. Are you familiar with that document?

A. Yes.

Q. And what is that document, ma'am?

A. This is a correction deed for our river property.

Q. And by your "river property" are you referencing lot 13 of block two of Sylvia's Haven?

A. Yes.

Q. Okay.

MR. MIHARA: Mark this as Exhibit 15, please.

(WHEREUPON, a map was marked as Exhibit 15 for identification.)

MR. MIHARA: Okay. I'm going to hand Exhibit 15 to your counsel and to counsel for the state.

MR. SEMANKO: Would it be okay for us to take a bathroom break?

MR. MIHARA: Yeah.

(A recess was taken.)

BY MR. MIHARA:

Q. All right. Mrs. Hawks, in relation to Exhibit -- what's been marked as Exhibit 14 there, can you tell me who Euphemia Penney and Ray and Mina Swanson are?

A. They're the people that co-own our river lot, lot 13 -- lot 13.

Q. Okay.

A. Who we bought it from.

Q. Okay. And can you tell me the date of that deed?

A. 28th day of November, 1990.

Q. Okay. And you've -- and the extent of your interest in lot 13, can you tell me what that

is?

A. Interest? I'm not sure what you mean by "interest."

Q. To the extent of your ownership.

A. We own it.

Q. Okay. Along with --

A. My husband Steve.

Q. Your husband Steve, Ms. Penny, and then Mr. and Mrs. Swanson?

A. No. They don't own it anymore.

Q. Okay. Did they sell it?

A. Yes.

Q. And who did they sell -- and by "they," who are we referring to?

A. Euphemia -- Euphemia Penney and Ray and Mina Swanson.

Q. Okay. And at some point in time those people sold their ownership rights in lot 13?

A. Yes.

Q. And who did they sell them to?

A. To my husband and myself.

Q. Okay. And when was that?

A. 1990.

Q. Okay. So you and your husband acquired a partial interest in lot 13 in 1990, and then since

then you've since acquired the entire interest of lot 13?

A. We bought the entire lot 13.

Q. Okay.

A. There are --

Q. I'm pointing to the third paragraph on Exhibit -- the first page of Exhibit 14.

A. **(Witness nods head.)**

Q. Can you read to me what's noted on that paragraph?

A. "An undivided one-half interest in and to Lot Thirteen, Block Two, Sylvia's Haven Subdivision, together with an easement for purposes of moorage in and upon the riparian rights in the dockage lagoon as shown on said plat adjacent and appurtenant to the southerly forty feet of the shore line of Lot Twelve, Block Two, Sylvia's Haven Subdivision, County of Benewah."

Q. Okay. And so what you're telling me is that Ms. Penny and Mr. and Mrs. Swanson no longer own the one-half -- the remaining one-half interest?

A. Correct.

Q. And you purchased that from them subsequent to this deed (indicating)?

A. No. We bought it all at one time.

Q. Okay. Can you tell me whether there was an additional deed, then?

A. Yes.

Q. Okay. And -- which was subsequent to this (indicating) --

A. Yes.

Q. -- document?

A. Yes.

Q. Okay. Do you have a copy of that deed?

A. Probably. I'd have to go through my file cabinet to see if I have that copy.

Q. Okay. Have you gone through your file cabinet in relation to the properties you've marked on Exhibit 3, Exhibit 2, and Exhibit 4 to locate the deeds to the properties to which you've marked X's on these three documents?

A. I'm just not sure they're in my file cabinet.

Q. Have you gone through your file cabinet to check whether they are there or not?

A. No. You mean in the last 20 years or --

Q. In the --

A. I --

Q. -- last three months.

A. No.

Q. Have you checked any of your records in relation to any of these properties and in relation to the water right claims within the last three months?

A. Yes.

Q. Okay. When did you do that?

A. Probably October/November.

Q. Okay.

A. I'm guessing.

Q. Okay. Since the first part of this year, have you gone through your file cabinets to check on any documents in relation to these properties or in relation to your two water right claims?

A. Yes.

Q. And when was that?

A. See, I think that's too wide. I'm not sure what you're asking me as far as what -- what I was searching for? Anything to do with my water rights or anything to do with my properties?

Q. Yes.

A. Yes, I have. And your other part was?

Q. When?

A. Within the last few days.

Q. Okay. And when you say "within the last few days," can you give me an approximate time

frame?

A. Saturday.

Q. And why did you search your files on Saturday?

A. I was looking for the documents that were sent from the tribe about my dock on the river.

Q. Okay. And why were you looking for those?

A. I wanted to know when all that happened.

Q. Okay. So prior to that had you searched your files for records of your tribal documents?

A. Yes.

Q. And when was that?

A. A month ago.

Q. Okay. And why did you search a month ago?

A. I was curious -- the same thing.

Q. Okay. Other than the documents that I've shown you as exhibits thus far, would you have any documents in your files that relate to what you referenced as your river property (indicating) which is lot 13, block two, or this property (indicating), lots four, five, and six, block two?

Do you have any other documents related to those properties in your files?

A. Yes.

Q. And what type of documents would those be?

A. The correct deed (indicating) to lot 13.

Q. Okay. Anything else?

A. Not that I can think of.

Q. Okay. Switching gears, I've handed you what's marked as Exhibit 15. Are you familiar with that document?

A. Yes.

Q. Okay. Have you seen that document before?

A. Yes.

Q. And where have you seen that document before, ma'am?

A. I don't know.

Q. Are you familiar with the handwriting on that document?

A. Yeah.

Q. And can you tell me whose handwriting that is?

A. **(Indicating.)** My cousin's.

Q. Would you like to take another break, ma'am?

A. Just a second. Jill Perkins's handwriting (indicating), my handwriting (indicating).

Q. If you like, we can take another break, ma'am.

A. I think I'll be all right.

Q. Okay. Can you read to me the handwriting that you've indicated which is your cousin's?

A. "Section 8 46N 2W."

Q. Is that the extent of your cousin's handwriting on that document?

A. Yes.

Q. Okay. Can you read to me what you've indicated is your handwriting on that document?

A. It says "Point of diversion" and "St. Joe River."

Q. Okay. And right now we're referring to lot 13.

A. Uh-huh.

Q. On what's been marked as Exhibit 15, it appears that lot 13 has been shaded; is that correct?

A. Yes.

Q. Can you tell me who shaded lot 13?

A. No.

Q. Okay.

A. Either myself or Jill.

Q. What you've indicated is your handwriting on Exhibit 15, can you tell me whether the X with "Point of diversion" underneath it, whether that's inside or outside the boundaries of lot 13?

A. From this (indicating) it looks like it's outside the boundaries, but this doesn't look like a survey.

Q. Okay. Are you claiming title to what's been marked as an X with "Point of diversion" underneath it?

Are you claiming ownership --

A. No.

Q. -- of the property?

A. No.

Q. Do you know who owns that property?

A. Well, the X is indicating the St. Joe River, not any property.

Q. Do you --

A. Because the point of diversion is not on property. It's in the St. Joe River.

Q. Okay. Do you know who owns the St. Joe River, the bed and banks underneath the St. Joe River?

A. The Supreme Court gave the tribe part of that, yeah, the submerged lands.

Q. Are you saying that some other entity or some other person owns another part of it?

A. State of Idaho, from what I understand, owns the water.

Q. That's --

A. Or has the right (indicating) -- owns the water, and the citizens of --

Q. And so --

A. -- or residents.

Q. So if we're talking about the property underneath the water, are you saying anybody other than the Coeur d'Alene Tribe owns that property?

A. You mean the -- the silt on the bottom?

Q. The land on the bottom.

A. No.

Q. Okay. Do you know what the property tax identification number of lot 13, block two of Sylvia's Haven is?

A. No.

Q. Forgive me. I somewhat got my documents out of order here, so please forgive me. If you give me one moment, I'll try get back on the right page here.

A. **(Witness nods head.)**

MR. MIHARA: Can you please mark this as Exhibit 16.

(WHEREUPON, an Idaho Department of Lands encroachment permit was marked as Exhibit 16 for identification.)

BY MR. MIHARA:

Q. Are you familiar with this document here, ma'am?

MR. MIHARA: I'm sorry. Let me show it to your attorney first and counsel for the state.

BY MR. MIHARA:

Q. I'm handing you what's been marked as Exhibit 16, ma'am. Are you familiar with that document?

A. It -- yes, I think so. Yes, it looks familiar.

Q. Okay. Can you tell me what that document is?

A. Let's see. It was our permit for the dock that we used to have at lot 13 --

Q. Okay.

A. -- from the state -- permit from the State of Idaho.

Q. Okay. And can you tell me about your dock? When was your dock put in place?

A. There was always a dock there when we bought the property.

Q. Okay. And did you apply for a permit after you bought the property?

A. Yes.

Q. Okay. And is your dock there now?
A. No.
Q. What happened to your dock?
A. We moved it off the river.
Q. Okay. And where is your dock now?
A. It's in the lagoon.
Q. Okay. I'm going to hand you what's been marked as Exhibit 4. Can you show me on Exhibit 4 where the dock that you removed from lot 13 is?
A. You want me just to point to it?
Q. For right now.
A. Right there (indicating).
Q. Okay. Can you take the Sharpie marker and mark a D directly next to that, what you just indicated on the --
A. **(Witness complied.)**
Q. Thank you. Can you circle the D, just --
A. **(Witness complied.)**
Q. Okay. Have you ever applied for a permit to move your dock?
A. A permit to move my dock?
Q. (Nods head.)
A. No.
Q. Okay. Do you know if you have a license for where your dock is currently at?

A. No.

Q. You do not know or you do not have a permit?

A. I do -- we do not have a permit.

Q. Okay.

MR. MIHARA: Would you please mark this as Exhibit 16.

THE REPORTER: Seventeen.

MR. MIHARA: Seventeen.

(WHEREUPON, a diagram of St. Joe's River was marked as Exhibit 17 for identification.)

MR. MIHARA: Let the record reflect I'll show Mrs. Hawks's counsel and counsel for the state what's been marked as Exhibit 17.

BY MR. MIHARA:

Q. I'm going to show you what's been marked as Exhibit 17, Mrs. Hawks. Have you ever seen that document before?

A. Yes.

Q. And can you tell me what that document is?

A. It would have been part of the application for our dock and pi -- new pilings.

Q. Okay. New pilings. So at some point in time you had pilings installed?

A. Yes.

Q. Okay. Can you take the Sharpie marker and mark P next to the pilings that you've had installed?

A. You know -- let's see. Could you have my husband do this? He'll remember better than I. I know this one (indicating). I think it's the -- these three (indicating) to make four, but I'm not --

Q. If you're not sure, then just leave whichever one you're --

A. Okay.

Q. -- sure of and -- can you tell me on that hand-drawn diagram where approximately your point of diversion is in relation to that diagram for your water right --

A. Oh --

Q. -- claim?

A. -- okay. Tell -- now, what do you want me to do? I'm --

Q. Let me rephrase it. I think we've kind of talked over each other.

A. Okay.

Q. Can you show me on that hand-drawn diagram where in relation to that hand-drawn diagram is your point of diversion for your pipe for your water

withdraw for water right claim 91-7173?

A. Yes, I can show you.

Q. Can you show me?

A. Right about here (indicating).

Q. Can you take that Sharpie marker and mark a Y?

A. **(Witness complied.)**

Q. So it comes out approximately where that lower piling is --

A. Yes.

Q. -- correct?

A. **(Witness nods head.)**

Q. Can you draw with that Sharpie marker a diagram of where that pipe goes?

A. Just a line?

Q. Just a line.

A. **(Witness complied.)**

Q. Okay. And is that the only water withdraw point of diversion that you have for lot 13?

A. Yes.

Q. And that's the only pipe you have in the river at that location?

A. Yes.

Q. Okay. Can you tell me if the pipe is under the water for the entire year?

A. No, it's not.

Q. It's not. The entire pipe or part of the pipe?

A. Will you say that again, please.

Q. From what I understood, what you just told me is that the pipe is not under the water for the entire year.

A. Correct.

Q. And I'm -- my question is, are you referencing the entire pipe --

A. Yes.

Q. The entire pipe all the way out to --

A. Is not under water the entire year.

Q. Okay. At what times of the year is it not under water?

A. It varies somewhat. But by the first of October it's out, and it's out until -- sometimes -- it just depends on the weather. But we try to have it back in by Labor -- Memorial Day, end of May. And it -- it can vary a month on either side depending on the weather.

Q. Do you take it out and put it in every year or does it stay where it's at all year round?

A. Part of it is put in every year.

Q. Okay. And which part is that? Can you

show me on that diagram?

A. From about here (indicating) to there (indicating).

Q. Can you mark where the -- with an arrow the portion of the pipe that's taken in and removed each year, from the starting point and the ending point approximately?

A. That's removed from the water or just moved? That's what I was telling you, it's what was moved --

Q. Okay.

A. -- but --

Q. What was moved?

A. Instead of what was in the water, just what -- what part of the pipe we move from what it looks like here (indicating)?

Q. Correct, from what point does it start and what point does it end.

A. **(Witness complied.)**

Q. So you've indicated one arrow with the general direction to the north and one arrow to the general direction to the south, is that correct, Mrs. Hawks?

A. Yes.

Q. And it's the area in between those arrows

that you move?

A. Yes.

Q. Okay. How do you move that portion of the pipe?

A. Physically.

Q. Okay.

A. I mean (indicating).

Q. By hand?

A. By hand. Okay.

Q. You move the portion of the pipe that's been indicated between those arrows by hand every year?

A. Yes.

Q. Like you did on the previous exhibit, can you take the Sharpie marker and in some of the white space, if it's available, can you show me the approximate diameter of the pipe that's between those two arrows?

A. **(Witness complied.)**

Q. Could you put a D inside that circle for me, please?

A. **(Witness complied.)**

Q. Thank you. Can you tell me -- I'm going to show you again what's been marked as Exhibit 16. Can you tell me if Exhibit 16 covers the pipe that

you remove every year and put back into place every year?

A. No.

Q. Okay.

MR. MIHARA: Would you mark this as Exhibit 18.

(WHEREUPON, a letter from the Idaho Department of Lands was marked as Exhibit 18 for identification.)

MR. MIHARA: I'm going to hand your attorney what's been marked as Exhibit 18. Would you let the record reflect counsel for Mrs. Hawks, counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to show you what's been marked as Exhibit 18. Have you seen a copy of that document before?

A. Probably. I -- I don't recall it, 1988 (indicating), but I'm sure I have.

Q. Okay. Can you read to me what that document says?

A. The whole letter?

Q. The three paragraphs, please.

A. "Dear Mr. Woodall" --

Q. Let me stop you right there. Can I ask

you to whom that document is addressed?

A. To Steve Hawks? Is that the address? Yeah. Okay.

Q. And the portion you just read, is that crossed out?

A. Yes.

Q. The "Dear Mr. Woodall" is crossed out --

A. Yes.

Q. -- correct?

A. Yeah.

Q. Okay. Can you read me the balance of that letter?

A. "Recently the Department of Lands received a copy of the above-referenced diversion application which you submitted to the Department of Water Resources. Since the St. Joe River is a navigable river, a temporary permit and an encroachment permit will be required from the Department of Lands for the pump and waterline. "If the application to Water Resources is for a system installed prior to 1974, please furnish drawings and the $10 temporary permit fee. "If the application is for a new system, please complete the enclosed application as per the instructions on the back of the form. Mail along with your payment in the amount of $60 to this

office. The temporary permit fee is $10, runs for five years, and is renewable. There is an encroachment application fee of $25 and an advertising deposit of $25. Please submit a plat and property description showing location of the waterline."

Q. Okay. Do you know if either you or your husband had ever submitted such documents to the Idaho Department of Lands?

A. I don't know.

Q. Okay.

A. Since we have a license I would say yes, but I don't recall it.

Q. Okay.

MR. MIHARA: Would you please mark this as Exhibit 19.

(WHEREUPON, a copy of a photograph with diagram was marked as Exhibit 19 for identification.)

MR. MIHARA: Let the record reflect I'm showing counsel for Mrs. Hawks, counsel for the state, what's been marked as Exhibit 19.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to show you what's been marked as Exhibit 19. Are you familiar with

what the photo on that drawing as well as the handwritten diagram -- are you familiar with what they depict?

A. Yes.

Q. And what is that?

A. Lot 13.

Q. Okay. And does it depict the approximate location of the pilings noted on lot 17 [sic] (indicating)? And for the record, I'm going to show you what's been marked as Exhibit 17.

A. So your question was?

Q. Does what -- that photo and those handwritten diagrams on what's been marked as Exhibit 19 reflect what's been handwritten on Exhibit 17?

A. Yes.

Q. Can you tell me if Exhibit 19 has any notation for the water diversion pipe which you've marked on Exhibit 17?

Can you tell me if any of that piping is reflected on Exhibit 19?

A. No, doesn't look like it to me.

Q. Can you read what's been marked in the corner, the bottom right corner, of Exhibit 19?

A. CDAT OBJ-7173 0058.

Q. Thank you.

MR. MIHARA: Would you mark this as Exhibit 20, please.

(WHEREUPON, a document entitled "Delivery System" was marked as Exhibit 20 for identification.)

MR. MIHARA: Please let the record reflect I'm showing Mrs. Hawks's counsel, counsel for the state, what's been marked as Exhibit 20.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm showing you what's been marked as Exhibit 20. Are you familiar with that document?

A. No.

Q. Okay. Do you know what that document purports to depict?

A. Lot 13.

Q. Okay. Does it -- do you see any pre-existing what looks like Sharpie marks?

A. Yes.

Q. Okay. Can you tell me if those pre-existing Sharpie marks on what's been marked as Exhibit 20 is indicative of your water delivery system now or at any time in the past?

A. Not that I'm aware of.

Q. Okay.

MR. MIHARA: I'm going to try to go a little quicker here. I know we're getting a little close to lunch. So would you please mark these -- this set of documents as Exhibit 21.

(WHEREUPON, documents from the Coeur d'Alene Tribe were marked as Exhibit 21 for identification.)

MR. MIHARA: Please let the record reflect I'm showing Mrs. Hawks's counsel as well as counsel for the state what's been marked as Exhibit 21.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm showing you a set of documents which have been marked as Exhibit 21. And just for the record, I'm going to -- actually, just for the record, I'm going to show them to you.

Have you seen those documents before? And take your time and please flip through them.

A. **(Witness complied.)** Okay. Your question was?

Q. Are you familiar with those -- with what those documents are?

A. Am I -- like have I seen them before or familiar --

Q. Have you seen those documents before?

A. I don't recall any of these (indicating) from the tribe. I probably have seen this one (indicating).

Q. And by "this one" --

A. Oh.

Q. -- can you read the number noted in the bottom right-hand corner?

A. CDAT OBJ-7173 0146.

Q. Can you tell me if you've seen any other documents in that packet before?

A. Not that I recall.

Q. Okay. Turning to the document CDAT OBJ-7173 0146, can you tell me what that document is?

A. It's a letter from my husband to the Coeur d'Alene Tribe.

Q. And can you tell me the date of that letter?

A. December 20th, 2004.

Q. Okay. Can you read to me what it says?

A. "I protest having to pay any fees beyond the permit I paid through the State of Idaho."

Q. And that's your husband's signature on that document?

A. Yes.

Q. Okay. Can you tell me what that document

is in relation to? Why did your -- do you know why your husband sent that letter to the Coeur d'Alene Tribe?

A. Because of the letters we were getting from the tribe saying that we needed to buy a permit.

Q. And what did the letters from the tribe saying you needed to buy a permit -- do you know what that permit was for?

A. The dock --

Q. Okay.

A. -- I guess.

Q. But those letters from the tribe you referenced, those would not be the same letters that are included in the packet of what has been marked as Exhibit 21?

A. I don't know. It says "Dock" here (indicating), so -- what was your question?

Q. You referenced that the letter that you sent -- that was signed by your husband was sent in response to letters that you and your husband had received from the Coeur d'Alene Tribe.

My question is, are any of the letters in that packet of what's been marked as Exhibit 21 -- are any of those the letters you reference as being

received by you and your husband from the Coeur d'Alene Tribe?

A. They do not look familiar to me. That's all I can say --

Q. That --

A. -- truly. They don't look familiar to me, but --

Q. Okay. Thank you.

MR. MIHARA: Would you mark this set of photographs as Exhibit 22.

(WHEREUPON, photocopies of photographs were marked as Exhibit 22 for identification.)

MR. MIHARA: Please let the record reflect I'm showing counsel for Mrs. Hawks and counsel for the state what's been marked as Exhibit 22.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm going to show you Exhibit 22. Would you take your time and please look through that packet of photographs and let me know if you're familiar with what those photographs depict.

A. **(Witness complied.)** Lot 13, the early days.

Q. Okay. So has lot 13 changed since those -- since those pictures were taken?

A. Yes.

Q. How has it changed?

A. This structure (indicating) is no longer there, this structure on --

Q. And for the record, you're referring to the page that's marked -- could you read the bottom right-hand corner?

A. CDAT OBJ-7173 0020. And on the next page, these structures (indicating) and this trailer's (indicating) no longer there.

Q. By "the next page," can you read the number on the bottom?

A. CDAT OBJ-7173 0021. I'm not sure what this is (indicating). I believe it probably is not on our property.

Q. And by what you say "this is," ma'am, are you referring to the top photo on which document?

A. CDAT OBJ-7173 0022.

Q. And just for the record, there's two documents reflected on that page. And you're referring to the top --

A. Top --

Q. -- photo of those two documents, correct?

A. Yes. It's not familiar to me.

Q. What about the bottom photo, ma'am? Is

that structure still on your property?

A. No.

Q. What happened to that structure?

A. We had it taken down.

Q. Okay. Is there anything different from any of the other photos in that packet?

A. I don't know what that is (indicating).

Q. And by what you --

A. This --

Q. When you say --

A. Oh.

Q. -- "I don't know what that is," you're referring to the single photo on which page, ma'am?

A. CDAT OBJ-7173 0023. My husband might know what it is. I'm just not familiar with what that (indicating) is.

Q. And when you say "what that is," you're referring to the upper right portion of the photograph?

A. Yes.

Q. And does that appear to look like wood of some sort?

A. Yes.

Q. And that is what you're referring to, correct, ma'am?

A. Yeah.

Q. Okay.

A. But my husband might be able to tell you what it is.

Q. Okay. Do you see what's indicative of a white pipe on that photograph?

A. Yes.

Q. And is what's indicated of what looks like a white pipe, is that somewhat akin to the water withdraw pipe that we were discussing on what's been marked as Exhibit 17?

A. It looks like the same kind of pipe --

Q. Okay.

A. -- that we used, yes.

Q. Okay. Can you tell me if what's depicted on that photograph, if that's in the water, out of the water or a little bit in the water and a little bit out of the water?

A. It's out of the water and then looks like it meets the water (indicating). I don't know what is under the water.

Q. Okay. And do you know approximately what date that photograph may have been taken?

A. The date on the photograph is November 12, 2008.

Q. Do you have any reason to believe that that photograph would have been taken at any other date than what's noted on the photograph?

A. I would have no idea.

Q. Okay. Can you tell me what is on that page? And for -- when I say "that page," ma'am, can you read the numbers and letters in the bottom right-hand corner?

A. CDAT OBJ-7173 0128.

Q. And can you tell me -- there's a set of four photographs, correct?

A. Yes.

Q. And can you tell me what those -- that set of photographs depicts? Are you familiar with what those photographs depict?

A. Yes.

Q. And what do those photographs depict?

A. Our house -- our boathouse and dock.

Q. When you say "our boathouse and dock," you're referring to the upper left photo on that page --

A. Yes.

Q. -- correct, ma'am?

A. Yes.

Q. Okay.

A. And our neighbors' property (indicating).

Q. Okay. Can you take your Sharpie marker and show me on that photo that we were just talking about where your property ends and where your neighbors' property begins?

A. You cannot see where our property begins.

Q. Okay. So is -- are those photos entirely of your neighbors' property, then?

A. Except for the boathouse (indicating) and the dock (indicating) --

Q. Okay.

A. -- but -- yes.

Q. Okay. Turning to the bottom two photographs on that page that you just referenced, can you tell me what that depicts?

A. My neighbors' property.

Q. Okay. Is there what looks to be pipes in those two bottom photographs?

A. Yes.

Q. Are those -- do you claim ownership of any of those pipes --

A. No.

Q. -- or piping?

A. No.

Q. And by your neighbors' that we were

discussing that, those were the Fixes, correct?

A. Yes.

Q. Okay. And so you do not claim any ownership in those pipes on the bottom --

A. No.

Q. -- of page CDAT OBJ-7173 0128?

A. Correct.

MR. MIHARA: Would you please mark this as Exhibit 23, please.

(WHEREUPON, a State of Idaho Department of Water Resources Water Right License was marked as Exhibit 23 for identification.)

MR. MIHARA: Please let the record reflect I'm handing this to Mrs. Hawks's counsel as well as counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, are you familiar with what I've just handed you and is marked as Exhibit 23?

A. It looks familiar, yes.

Q. Have you seen that document before?

A. Yes.

Q. Can you tell me what that document is?

A. It's a water right license from the State of Idaho Department of Water Resources.

Q. Okay. And can you tell me if the term

"Source" is noted on that document?

A. Yes.

Q. And can you tell me what source is noted on that document?

A. St. Joe River.

Q. Okay. And can you tell me what period of use -- if the term "Period of Use" is noted on that document?

A. Yes.

Q. And can you tell me what is noted under "Period of Use"?

A. 01/01 to 12/31.

Q. Okay. And what would your understanding be of that period of use?

A. I don't -- I'm not sure what you're asking.

Q. At what time of the year would you assert that that water right license gives you authority to divert water?

A. All year.

Q. Year round, correct, ma'am?

A. Yes.

Q. Turning back to some of the early exhibits we discussed, it was my recollection that you had indicated that at times that your pipe was out of

the water.

A. **(Witness nods head.)**

Q. How did you -- did you -- let me stop there and formulate this question.

Do you use water on your lot 13 property year round?

A. No.

Q. At what points do you not use water on your property?

A. When we take the pipes out of the river.

Q. Okay. And forgive me for my recollection, but what point does that start?

A. It varies depending on the weather. But from probably October it's out and they're usually in by Memorial Day, and it can vary either side a month depending on the weather.

Q. Okay. Can you read to me under "Conditions of Approval" what's been marked as item No. 2?

A. "This right does not grant any right-of-way or easement across the land of another."

Q. Okay. And do you have any understanding of what that means?

A. Yes.

Q. And what is your understanding of what

that means?

A. That we cannot use anyone else's property.

Q. Okay. You said that your understanding is that you cannot use anyone else's property; is that correct?

A. Correct.

Q. Would you assert that -- would you include the tribe in the term "anyone else"?

A. Yes.

Q. You would?

A. Yes.

Q. So just for my understanding and so the court reporter gets it down, would you assert that your water right license gives you a right to go onto the property of the Coeur d'Alene Tribe?

A. No.

Q. Okay. Thank you.

A. But we don't.

Q. Okay.

MR. MIHARA: Would you mark this as Exhibit 24, please. Before you mark this, let me make sure.

Mark this as Exhibit 24, please.

(WHEREUPON, a State of Idaho Department of Water Resources Permit to Appropriate Water was

marked as Exhibit 24 for identification.)

MR. MIHARA: Please let the record reflect I'm handing this to counsel for Mrs. Hawks as well as counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm handing you what's been marked as Exhibit 24. Can you tell me if you're familiar with that document?

A. Yes.

Q. And can you tell me what that document depicts?

A. It's a permit to appropriate water from the State of Idaho Department of Water Resources.

Q. And is the term "Source" noted on that --

A. Yes.

Q. -- document?

And what does it say under the term "Source"?

A. "St. Joe River."

Q. Okay. Can you tell me -- is the term "Period of Use" noted on that document anywhere?

A. Yes.

Q. And can you tell me what is noted under the period of use?

A. 01/01 to 12/31.

Q. Okay. And can you tell me if there's a term on that document called "Conditions of Approval"?

A. Are there things listed there?

Q. Yes. What --

A. Yes. Yes.

Q. Can you tell me what's noted as item No. 3 under "Conditions of Approval"?

A. "This right does not grant any right-of-way or easement across the land of another."

Q. And would you understand that term that you just read to include the Coeur d'Alene Tribe?

A. Yes.

Q. Okay.

MR. MIHARA: Would you please mark this as Exhibit 25, please.

(WHEREUPON, a State of Idaho Department of Water Resources Application for Permit was marked as Exhibit 25 for identification.)

MR. MIHARA: Please let the record reflect I'm showing this to counsel for Mrs. Hawks and counsel for the state.

BY MR. MIHARA:

Q. Mrs. Hawks, I'm showing you what's been marked as Exhibit 25. Are you familiar with what

that document is?

A. Yes.

Q. Okay. What is that document?

A. It's the application for permit for -- to appropriate the public water of the State of Idaho.

Q. Okay. And does it have a source listed on that document?

A. No.

Q. Okay.

A. Not that I see.

Q. Does it have a period of use that's noted on that document?

A. No.

Q. Okay. Are there any -- is there a term called "Remarks"?

A. Yes.

Q. What does it say under the "Remarks" term?

A. "Summer recreational use."

Q. Okay. Would you know why the application for a permit says "Summer application" -- "Summer recreational use" and then the permit as well as the license note the period of use from January 1st to December 31st?

A. Nope. No, I don't.

Q. Okay.

A. Unless we got help, but I don't know.

Q. Is that your husband's signature on that?

A. Yes.

Q. Can you tell me if there's a date associated with that signature?

A. There's no date in his handwriting.

Q. Okay. Is there a date -- is there other dates in other people's handwriting?

A. Yes.

Q. And can you tell me what those dates are?

A. One is 6/20/08, one is 6/16/08, one is 7/11/08, and there's another one that's 6/16/08 and one I can't read.

MR. MIHARA: Okay. I'm just trying to think if there's anything else here, Mrs. Hawks, that I missed.

I think that's it. I thank you for your time and thank you for being here. It did take a little longer than I expected but I think we got out of here in time for lunch, so --

THE DEPONENT: Okay.

MR. SEMANKO: Counsel, can we ask Mr. Strack if he's got any questions?

MR. STRACK: I do not.

MR. SEMANKO: I have a few follow-up, if

it's okay.

MR. MIHARA: Sure.

MR. SEMANKO: Won't take very long.

EXAMINATION

BY MR. SEMANKO:

Q. Mrs. Hawks, thanks for your time. Do you need a break? Are you okay?

A. I'm all right.

Q. All right. Mr. Mihara asked you a series of questions regarding the ownership of your lot near the lagoon.

Do you recall that?

A. Yes.

Q. Or adjacent to the lagoon?

A. Yes.

Q. Are you aware of who -- strike that.

Are you aware at any time of the tribe or the tribal government owning what is currently the lagoon?

A. No.

Q. Do you know who's owned that property in the past?

A. Yes.

Q. Who?

A. Cy Chase.

Q. You recall going over the question of whether you received -- you and your husband received correspondence from the tribe regarding your dock on the river.

Do you recall that?

A. Yes.

Q. Have you ever received any correspondence from the tribe regarding your water diversion structure either at the lagoon or in the river?

A. No.

Q. Do people have docks on the lagoon?

A. Yes.

Q. You do?

A. Yes.

Q. And others do?

A. Yes.

Q. Are you aware of any of them having permits from the tribe?

A. No.

Q. Has the tribe asked them, to your knowledge, to get a permit?

A. No.

Q. Are you familiar with anyone seeking to get a permit?

A. Yes.

Q. Who is that?

A. My neighbor -- my neighbors, the Fixes (indicating).

Q. Tell us about that. What occurred there?

A. They just told me this the other day, that when they bought the property -- their property from Eric Christian, they wanted him to secure all permits necessary for the docks.

And he sent money -- they said he sent money to the tribe to pay for their dock on the lagoon; and the tribe sent the money back, saying that they did not own the property in the lagoon and therefore the permit was not required.

Q. And that was a conversation with Mr. Fix?

A. Yes.

Q. Okay. Thank you.

A. And at a separate time without -- Jill, his wife, knowing that, she said the same thing, knowing that he had already told me that.

Q. Okay. Thank you. Do you know approximately when the lagoons were constructed?

A. Yes.

Q. And when was that?

A. Around 1969 or prior to that, a year or two before that possibly.

Q. And prior to that were the lands under water?

A. No. Not to my knowledge, no.

Q. Not for any prolonged period of time that you're aware of?

A. Correct.

Q. You referred several times during your conversation with Mr. Mihara about summer pool. Do you recall that?

A. Yes.

Q. And do you recall if you were referring to the lagoon or to the river or both?

A. I don't recall. I -- I don't recall.

Q. Let's talk about the lagoon. Is there a summer pool in the lagoon?

A. You mean --

Q. What --

A. -- a certain height it gets?

Q. What you would call a summer pool (indicating). Is --

A. Summer --

Q. -- there a summer pool at the lagoon?

A. Summer level?

Q. If that's what you'd like to call it.

A. Yes.

Q. And why do you call that a summer level?
A. Because boats can get in and out.
Q. So what happens after the summer?
A. When they start to draw down the -- the water from the -- at the dam, it empties of water.
Q. So the dam causes the water -- the dam releases cause the water to go down?
A. Yes.
Q. Okay.
A. There's no water coming in anymore.
Q. Do you see that kind of effect on the river as well?
A. Yes.
Q. And how far do you see it go down? I realize it's different from year to year, but how far do you see it go down after the summer at the river?
A. Six or seven feet?
Q. I want to go back to the questions that were asked by Mr. Mihara about the ownership of the river and the land under the water in the river, I guess would be the best thing.
I thought I heard you to say, correct me if I'm wrong, that you felt that the tribe or the United States, the tribe, owned a portion of the

river.

Did I hear that right or --

A. I don't think they own any of the river, the water. They have -- they -- they were -- the Supreme Court granted them the submerged lands under the river according to a treaty from the early 1900's or --

Q. Okay. So do you know the exact extent -- when you talk about the Supreme Court case, and Mr. Mihara asked you about the Supreme Court case, do you know the exact extent of the ownership that was recognized in the U.S. and the tribe in the --

A. No.

Q. -- case?

A. No.

Q. Okay. So do you, sitting here today, know exactly who owns all of the water -- or all the land that's under the water in the St. Joe River?

A. No.

Q. Okay. I wanted to clean up another line of questioning here. Are you saying that from roughly October to roughly Memorial Day that there's no structure in the water, in the river, for the river lot diversion?

A. Correct.

Q. Okay. Nothing permanently affixed or installed in the water?

A. Correct.

Q. Okay. When did you first exercise any kind of ownership or control over the river lot, what year?

A. 1990.

Q. Mr. Mihara showed you a series of applications for permit and permits and licenses. Do you recall that?

A. Yes.

Q. Do you recall, during that entire process over that good number of years, anyone ever protesting any of your applications for permit?

A. Never.

Q. Did the tribal government protest?

A. No.

Q. Did you receive any kind of correspondence from the tribe regarding your water right application?

A. No.

Q. Your permit?

A. No.

Q. Your license?

A. No.

Q. Okay.

MR. SEMANKO: Can we see Exhibit 24.

MR. MIHARA: (Indicating.)

BY MR. SEMANKO:

Q. So this will be representative of a number of -- thank you -- a number of the questions you were asked. Condition of approval No. 3 on Exhibit 24: "This right does not grant any right-of-way or easement across the land of another."

Do you see that?

A. Yes.

Q. Do you recall the questions from Mr. Mihara --

A. Yes.

Q. -- regarding that and similar conditions in other pieces of paper he gave you to look at?

A. Yes.

Q. Okay. And you said that that condition, in your mind, includes lands owned by the tribe, correct?

A. Yes.

Q. Is that, in your mind, specific to the tribe?

A. No.

Q. So it deals with anyone who might have an

ownership interest?

A. Yes.

Q. Okay. Then I want to ask you about Exhibit 25. Can you read to me up on the top left-hand side of Exhibit 25 what it says?

Top left-hand side. What does it say there?

A. "Page 2" (indicating)?

Q. So do you have page 1?

A. **(Indicating.)**

Q. Does it look like that's page 2 of a document?

A. Yes.

Q. And the first number listing down the left side there, what's that first number?

A. Eight.

Q. Okay. So would you say that's an incomplete copy of the application?

A. Yes.

Q. Okay. Under "Who owns the land [sic] at the point of diversion?" under 9a. -- do you see that?

A. Yes.

Q. Can you tell me who Mr. Hawks indicated was the owner of the land at the point of diversion

--

A. Applicant.

Q. -- for -- applicant. Okay.

MR. SEMANKO: That's the only questions we have. Thanks.

MR. MIHARA: I'd like to follow up just with one. Please forgive me, but I have to go through my documents here.

I think that's all for right now.

THE REPORTER: Are you ordering the transcript?

MR. MIHARA: We're ordering, yes, please.

MR. SEMANKO: We'd like to review and sign, please.

THE REPORTER: Yes. Will you order a copy?

MR. SEMANKO: We will, yes.

THE REPORTER: Thank you. A copy for you, sir?

MR. STRACK: No, thank you.

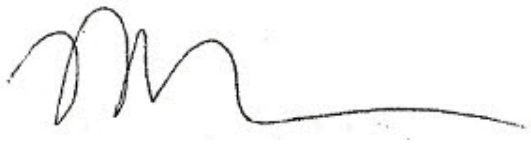
(WHEREUPON, the deposition of DEANNE AMY HAWKS was concluded at 12:09 p.m.)

CERTIFICATE

I, Maryann Matthews, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 11th day of May, 2016.



Maryann Matthews

Date: May 13, 2016 Assignment #: 21391-1
Attorney: Norman M. Semanko, Esquire
Deponent: Deanne Hawks
Case: CSRBA

ATTORNEY - TRANSCRIPT ENCLOSED: Signature of your client is required. Please have your client make any corrections necessary. Sign the Correction Sheet where indicated. Forward a COPY of the executed Correction Sheet directly to the attorney(s) listed below. (The Address(es) can be found on the Appearance page of the deposition.) Also, send a COPY of the executed Correction Sheet to our corporation.

CC: Naegeli Deposition & Trial
Kinzo H. Mihara, Esquire
Steven W. Strack, Esquire

1 CORRECTION SHEET

2 Deposition of: Deanne Hawks Date: 05/02/16

3 Regarding: CSRBA

4 Reporter: M. Matthews

5 _____

6 Please make all corrections, changes or clarifications

7 to your testimony on this sheet, showing page and line

8 number. If there are no changes, write "none" across

9 the page. Sign this sheet on the line provided.

10 Page Line Reason for Change

11 _____ _____ _____

12 _____ _____ _____

13 _____ _____ _____

14 _____ _____ _____

15 _____ _____ _____

16 _____ _____ _____

17 _____ _____ _____

18 _____ _____ _____

19 _____ _____ _____

20 _____ _____ _____

21 _____ _____ _____

22 _____ _____ _____

23 _____ _____ _____

24 Signature_____

25 Deanne Hawks

1 DECLARATION

2 Deposition of: Deanne Hawks Date: 05/02/16

3 Regarding: CSRBA

4 Reporter: M. Matthews

5 _____

6

7 I declare under penalty of perjury the following to

8 be true:

9

10 I have read my deposition and the same is true and

11 accurate save and except for any corrections as made

12 by me on the Correction Page herein.

13

14 Signed at _____, _____

15 on the _____ day of _____, 2016.

16

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24 Signature_____

25 Deanne Hawks

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Sylvia's Haven

A Subdivision of

Castlio's Tracts Nos. 6, 7, 8, & 9

Sec. 7, Twp. 46 N., Rg. 2 W., B.M.

Benewah County, Idaho

DESCRIPTION

A further subdivision of Tracts 6, 7, 8 and 9 of Castlio's Tracts, a platted subdivision of the W½ of the NE¼ and Government Lots 1 and 2 of Sec. 7, Twp. 46 N., R. 2 W., B.M., Benewah County, Idaho. Except a portion of Tracts 6 and 7, the boundary of which is described as: Beginning at a point on the west line of Tract 6, said point being S1°17'E a distance of 1,104.41 feet from the NW corner of Tract 6; thence S1°17'E along the west line of Tract 6 a distance of 327.06 feet to point on the North R/W boundary of State Hwy. No. 3; thence easterly along said North R/W boundary a distance of 930.10 feet to the point of intersection of said R/W boundary and the East line of Tract 7; thence N1°17'W along said East line of Tract 7 a distance 378.32 feet to a fence corner; thence S79°50'W along a fence a distance of 935.68 feet to the point of beginning.

OWNER'S CERTIFICATE

Be it known that we, Cyril C. Chase and Verdie J. Chase, husband and wife are the owners of the land described in the above description, and have caused the same to be subdivided into Sylvia Haven as herein platted, to be known as Sylvia's Haven, Benewah County, Idaho.

It is the intent of the undersigned owners to include said land in this plat subject to:

1. All roads as shown in Blks. are dedicated to public use.
2. A 20 foot wide access and utility easement along the northerly portion of Block 3, along the easterly portion of Lot 2, along the line common to Lots 7 and 8, along the northerly line of Lots 8, 9, 10, 11, 12, and along the westerly line of Lot 12 all in Block 2, as herein platted with dotted lines.
3. A 8 foot wide access and utility easement, as may be necessary, along each lot boundary not included in exception No. 2, for public utilities.
4. The reserved right of jurisdiction over the waterways and frontage herein platted as Dockage Lagoons and Moorage Lots.
5. All existing rights and easements, by use or by documents, specifically those rights pertaining to use of ground water from Lots 5, 6, 7, 8, and 9, Block 1.

Cyril C. Chase
Owner

Verdie J. Chase
Owner

STATE OF IDAHO S.S.
COUNTY OF BENEWAH

On the 9th day of December, 1968, before me appeared Cyril C Chase and his wife, Verdie J. Chase, known to me to be the persons who executed the above Owner's Certificate and acknowledged to me that they signed the same.

Jack Bark
Notary Public in and for the State of Idaho

Residing in St. Maries, Idaho

My Commission expires 5-25-69

COUNTY RECORDER Plat Filing

I hereby certify that this plat was filed for record in the office of the Recorder of Benewah County, at the request of C. C. Chase this 9th day of December, 1968, at 11:00 a.m. and duly recorded in Plat Book ____ page ____

Alice Hargand
Benewah County Recorder

COUNTY COMMISSIONER'S APPROVAL

This plat approved and accepted by the Board of Commissioners of Benewah County, Idaho, this 9 day of December, 1968

Attest: Alice Hargand, Clerk
Chairman

COUNTY RECORDER Covenants Filing

I hereby certify that Restrictive Covenants for "Sylvia's Haven" were filed for record on the 9th day of December, 1968 under Recorders Fee Instrument No. 114647

Alice Hargand
Benewah County Recorder

COUNTY TREASURER

I hereby certify that all taxes of record have been paid to this 31st day of December, 1968. Signed this 9th day of December, 1968

Mary L. Lane
Benewah County Treasurer

SURVEYOR'S CERTIFICATE

I, Darrell G. Maher, a Registered Land Surveyor in and for the State of Idaho, do hereby certify that I did during the month of June, 1968, survey the above described Tract and set Iron Pins as shown on the above plat.

Signed: Darrell G. Maher

STATE OF IDAHO S.S.
COUNTY OF BENEWAH

On the 12th day of DECEMBER, 1968, before me personally appeared Darrell G. Maher known to me to be the person who executed the above Certificate and acknowledge to me that he signed the same.

Edwin A. Mueller Jr.
Notary Public in and for the State of Idaho

Residing in St. Maries, Idaho

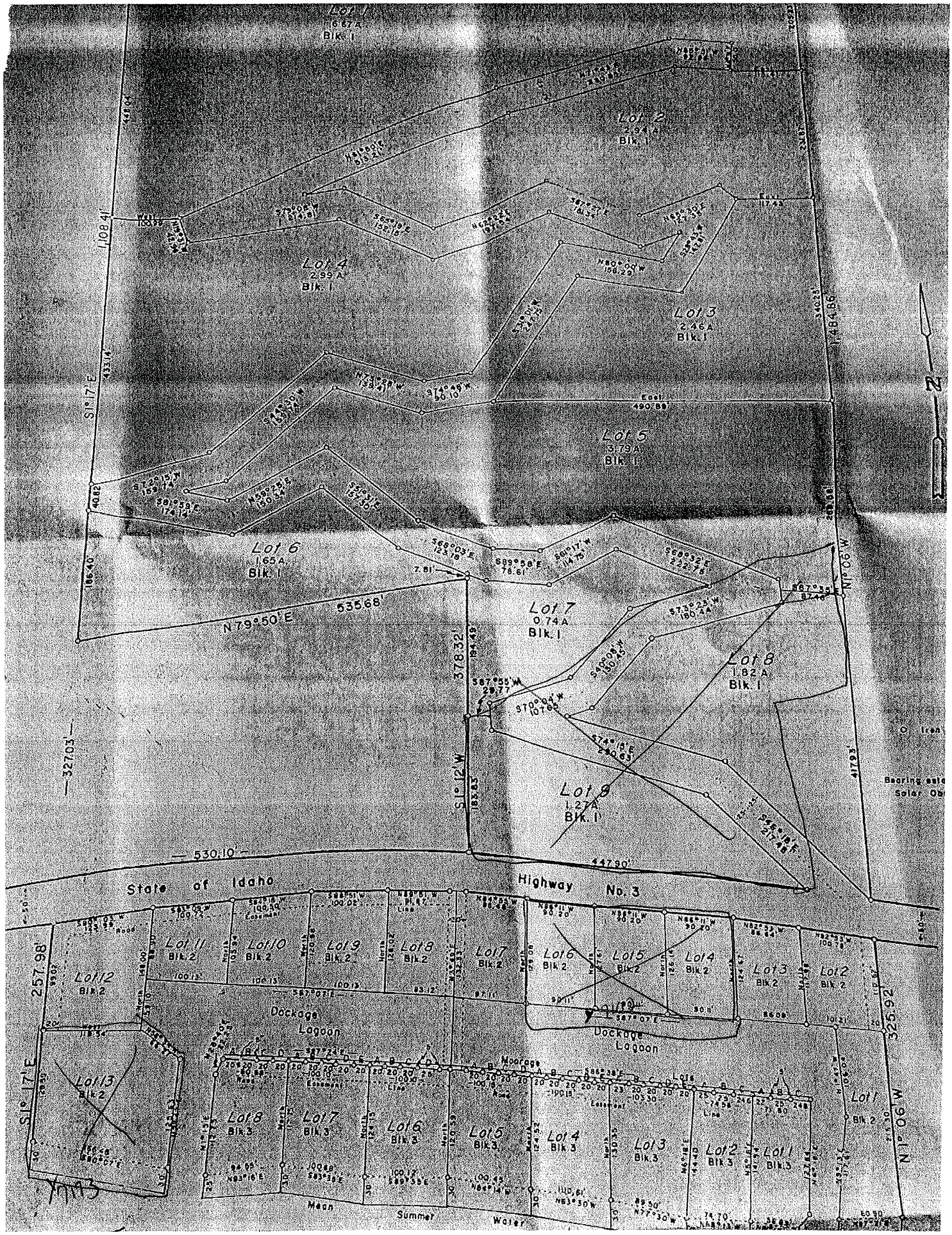
My commission expires FEBRUARY 12, 1972

114646

STATE OF IDAHO, } ss
County of Benewah }
Filed for record at the request of
C. C. Chase
on the 9 day of Dec. 1968 at 4:15
o'clock P. M. and duly recorded in Book 1
of Plats, on page ____
Alice Hargand
County Recorder
By ____ Deputy
Fee $5.00

CDAT OBJ-7102 0132

CDAT OBJ-7102 0338



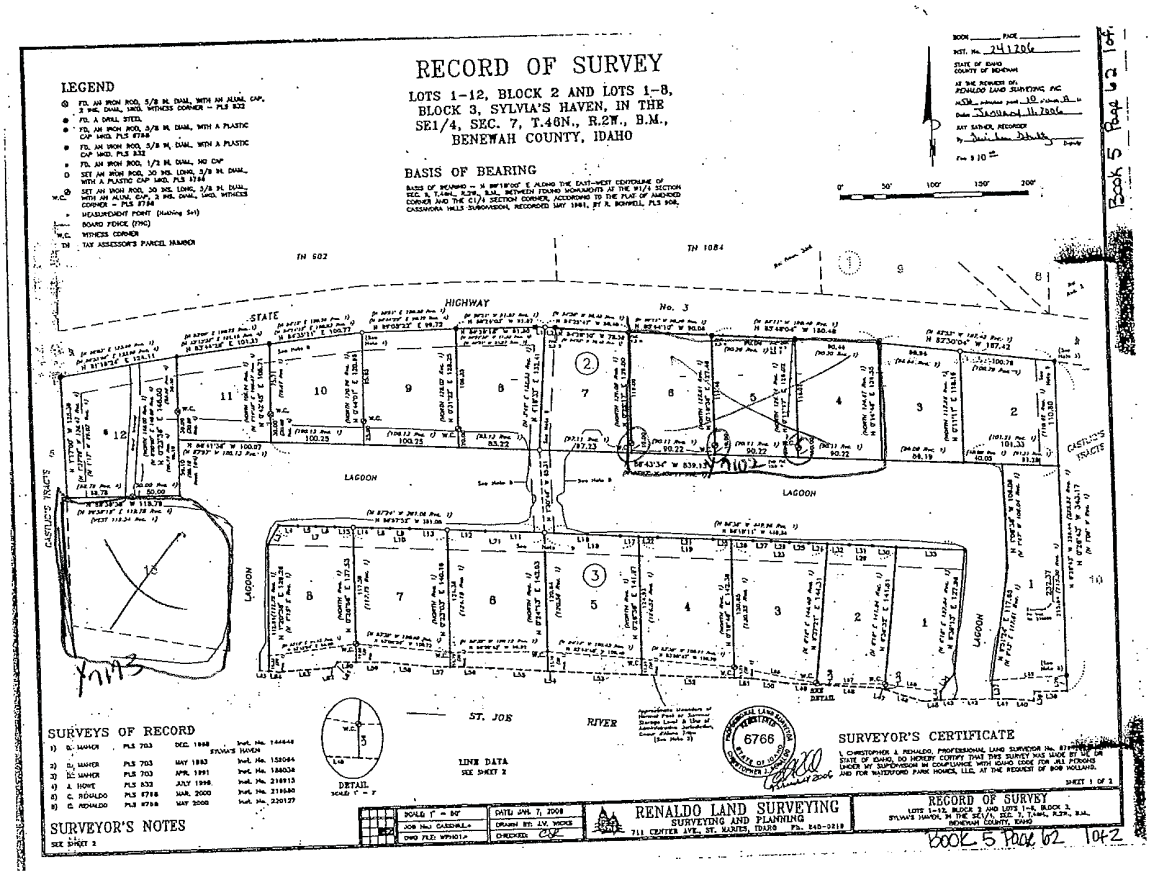
CDAT OBJ-7102 0131

EXHIBIT

2

DEPONENT NAME: D. HAWKS

DATE: 5/2/16



EXHIBIT

3

DEPONENT NAME: D. HAWKS

DATE: 5/2/16

BOOK ____ PAGE ____
INST. No. 242606

RECORD OF SURVEY

LOTS 1–12, BLOCK 2 AND LOTS 1–8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO

LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 88°53'31" W	10.96	1	N 87°31' W	18.0
L2	N 87°28' W	15.13	1	N 87°31' W	18.0
L3	N 20°44'11" E	25.46	1	N 87°31' E	22.23
L4	N 88°37'53" W	28.98	1	N 87°24' W	30.0
L5	N 88°37'53" W	28.84	1	N 87°24' W	30
L6	N 88°37'53" W	28.82	1	N 87°24' W	30
L7	N 88°37'53" W	48.53	1	N 87°24' W	88.50
L8	N 88°37'53" W	28.83	1	N 87°24' W	30
L9	N 88°37'53" W	28.83	1	N 87°24' W	30
L10	N 87°32'31" W	15.97	1	N 87°24' W	30
L11	N 87°31'31" W	106.06	1	N 87°24' W	105.10
L12	N 87°31'31" W	48.83	1	N 87°24' W	48
L13	N 87°31'31" W	48.87	1	N 87°24' W	48
L14	N 87°31'31" W	18.99	1	N 87°24' W	30
L15	N 87°31'31" W	18.97	1	N 87°24' W	30
L16	N 88°04'43" W	106.16	1	N 88°36' W	105.10
L17	N 88°04'43" W	28.33	1	N 88°36' W	30
L18	N 88°04'43" W	60.06	1	N 88°36' W	30
L19	N 88°33'11" W	18.86	1	N 88°36' W	105.10
L20	N 82°41'11" W	28.04	1	N 88°36' W	30
L21	N 88°36'31" W	38.61	1	N 88°36' W	48
L22	N 88°33'33" W	28.83	1	N 88°36' W	30
L23	N 88°33'33" W	182.48	1	N 88°36' W	182.50
L24	N 88°33'33" W	28.18	1	N 88°36' W	30
L25	N 88°33'33" W	18.83	1	N 88°36' W	30
L26	N 87°32'33" W	18.81	1	N 88°36' W	30
L27	N 87°08'33" W	18.28	1	N 88°36' W	30
L28	N 83°36'33" W	22.83	1	N 88°36' W	27
L29	N 83°36'33" W	74.34	1	N 88°36' W	74.50
L30	N 82°11'33" W	15.83	1	N 88°36' W	15.0
L31	N 83°36'33" W	15.13	1	N 88°36' W	15
L32	N 88°44'33" W	74.34	1	N 88°36' W	75
L33	N 88°36'44" W	71.97	1	N 88°36' W	71.50
L34	N 36°16'11" E	13.84	1	N 36°16' E	13.42
L35	N 01°14' E	3.84	1	NORTH	30
L36	N 01°14' E	1.48	1	NORTH	30
L37	N 01°14' E	10.33	1	NORTH	30
L38	N 88°30'00" W	33.26			
L39	N 00°00' E	10.00			
L40	N 88°00'00" W	24.00			
L41	N 88°18'00" W	18.12			
L42	N 88°43'00" W	30.88			
L43	E 87°00'00" W	14.00			
L44	N 01°14' E	6.21	1	NORTH	30
L45	S 87°00'00" W	19.00			
L46	N 71°13'00" W	43.40			
L47	N 71°13'00" W	5.10			
L48	N 63°40'00" W	89.11			
L49	N 82°00'00" W	23.24			
L50	N 82°00'00" W	37.80			
L51	N 88°18'00" W	18.42			
L52	N 88°18'00" W	100.27			
L53	N 88°18'00" W	19.19			
L54	N 88°18'00" W	4.54			
L55	N 87°00'00" W	54.34			
L56	N 87°00'00" W	41.34			
L57	N 87°00'00" W	25.31			
L58	N 87°00'00" W	43.00			
L59	N 87°00'00" W	31.33			
L60	N 87°00'00" W	35.93			
L61	E 33°00'00" W	2.00			
L62	E 77°00'00" W	5.00			
L63	E 87°30'00" W	34.00			
L64	N 87°00'00" W	19.43			
L65	N 87°00'00" W	19.34			
L66	N 77°44'11" W	90.26	1	N 77°30' W	90.50
L67	N 87°31'11" W	74.77	1	N 87°31' W	75.70
L68	N 88°04'11" W	24.84	1	N 87°16' W	24.42
L69	N 87°39'16" E	80.83	1	N 87°31' E	80.90
L70	N 87°41'16" W	18.53	1	N 7°04' W	32
L71	N 88°31'06" W	106.06	1	N 87°24' W	105.10

SURVEYS OF RECORD

1) D. WAHOR PLS 703 DEC. 1968 Inst. No. 144618 SYLVIA'S HAVEN
2) D. WAHOR PLS 703 MAY 1983 Inst. No. 139084
3) D. WAHOR PLS 703 APR. 1991 Inst. No. 189038
4) J. HOWE PLS 832 JULY 1999 Inst. No. 218915
5) C. RENALDO PLS 6766 MAR. 2000 Inst. No. 219380
6) C. RENALDO PLS 6766 MAY 2000 Inst. No. 220127

SURVEYOR'S NOTES

1) FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT, No. 2UF303, DATED FEBRUARY 4, 2005, AND TITLE POLICY No. SU 2301, DATED MARCH 29, 2005, WERE RELIED ON FOR THE PREPARATION OF THIS SURVEY.

2) THE SHOWN MEANDERS OF THE APPARENT SHORELINE OR NORMAL POOL OF THE St. JOE RIVER ARE NOT AN ATTEMPT TO SHOW THE OLD MEANDER LINE OR THE LIMITS OF THE UPLAND OWNERSHIP.

3) NO CORNERS OF THE PUBLIC LAND SURVEY WERE LOCATED; THEREFORE, NO CORNER PERPETUATION AND FILING RECORDS ARE REQUIRED.

4) FOUND A LARGE NAIL, N 88° W, 1.8 FT. DISTANT.

5) FOUND A BADGE SPIKE, SET BY THE LANDOWNER, N 18° E, 8.3 FT. DISTANT.

6) ALSO FOUND A DRILL STEEL OF UNKNOWN ORIGIN, N 83°30' W, 11.8 FT. DISTANT.

7) THE PLAT OF SYLVIA'S HAVEN (Plat. 1) SHOWS VARIOUS "MODERATE" AREAS ALONG THE NORTH LINE OF BLOCK 3. NO INDICATION WAS FOUND ON THE PLAT, AS TO THE PURPOSE OF THESE AREAS. SEE THE OWNER'S CERTIFICATE, ON SAID PLAT, FOR FURTHER DETAILS.

8) THIS LINE SHOWS THE APPROXIMATE LOCATION OF THE MEANDERS OF THE NORMAL POOL OR SUMMER STORAGE LEVEL OF THE WATER WITHIN THE EXISTING LAGOONS.

9) THE PLAT OF SYLVIA'S HAVEN (Plat. 1) STATES:
"... A 20 FOOT WIDE ACCESS AND UTILITY EASEMENT ... AS HEREON PLATTED WITH DOTTED LINES ..."
SEE THE OWNER'S CERTIFICATE ON SAID PLAT, FOR FURTHER DETAILS.

10) THIS RECORD OF SURVEY DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OR RIGHTS-OF-WAY OF RECORD, THE SIZE OR LOCATION OF PRESCRIPTIVE EASEMENTS, FENCE LINES OR PHYSICAL FEATURES OF THE PROPERTY. THE EASEMENTS WHICH ARE SHOWN, ARE AS THEY EXISTED AT THE TIME THEY WERE RECORDED. ITEM 8 WAS AT THE NORMAL POOL AND FENCES WHICH ARE SHOWN, ARE FOR INFORMATIONAL PURPOSES ONLY.

11) THE ORIGINAL DESIGN AND CONTENT OF THIS DOCUMENT IS THE PROPERTY OF RENALDO LAND SURVEYING, INC. THE UNAUTHORIZED USE OR REPRODUCTION OF THIS DOCUMENT MAY CONSTITUTE AN INFRINGEMENT OF THE FEDERAL COPYRIGHT ACT. © COPYRIGHT 2006, RENALDO LAND SURVEYING, INC., ALL RIGHTS RESERVED.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER J. RENALDO, PROFESSIONAL LAND SURVEYOR No. 6766 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION IN COMPLIANCE WITH IDAHO CODE FOR ALL PERSONS AND FOR WATERFORD PARK HOMES, LLC, AT THE REQUEST OF BOB HOLLING.

PROFESSIONAL LAND SURVEYOR CERTIFICATE 6766 STATE OF IDAHO CHRISTOPHER J. RENALDO

February 2006

SHEET 2 OF 2

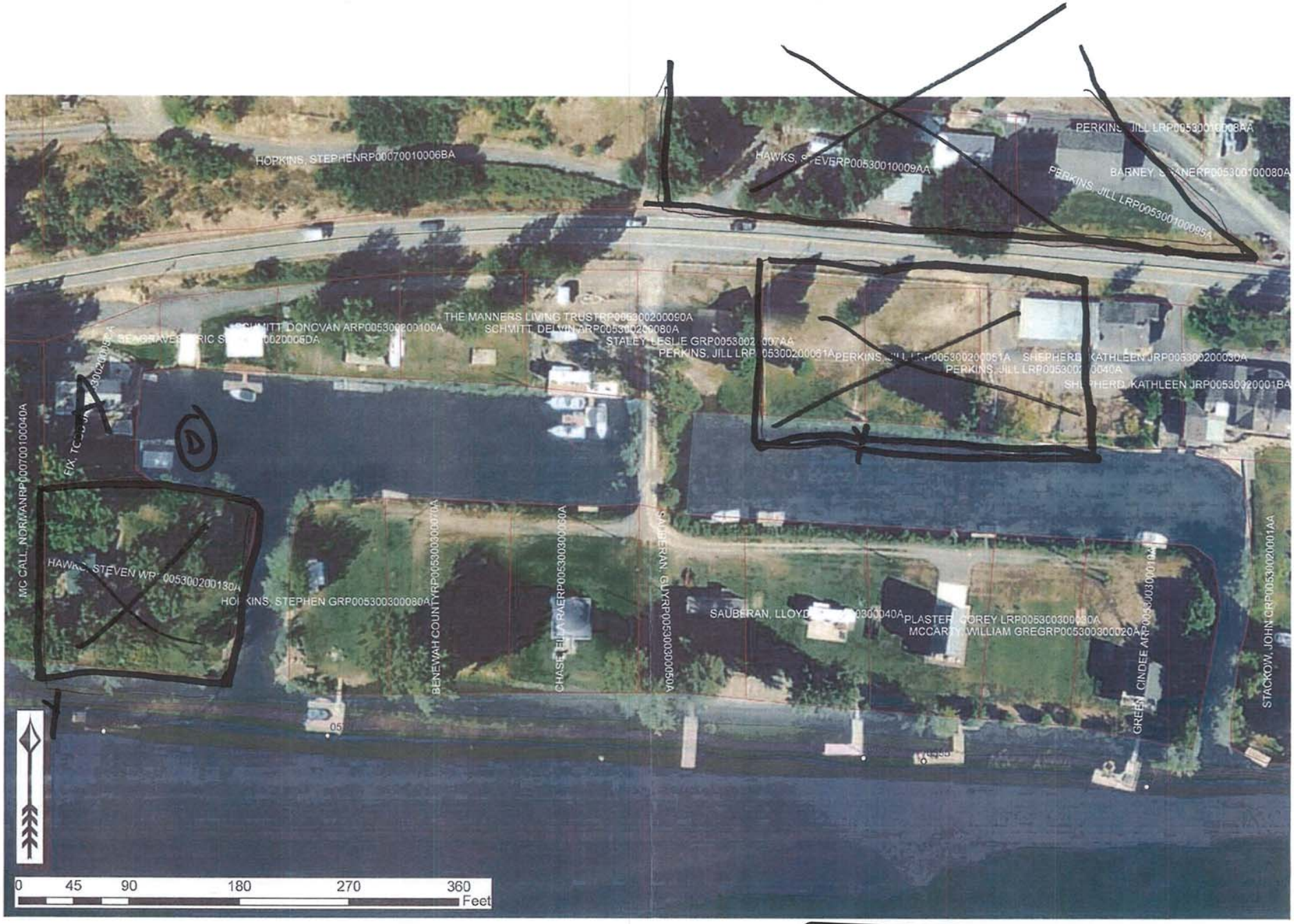
SCALE: NONE
JOB No.: CASSHILL.4
DWG FILE: WPH01.4
DATE: JAN. 7, 2006
DRAWN BY: J.V. WICKS
CHECKED: CJR

RENALDO LAND SURVEYING
SURVEYING AND PLANNING
711 CENTER AVE., ST. MARIES, IDAHO Ph. 845-0318

RECORD OF SURVEY
LOTS 1–12, BLOCK 2 AND LOTS 1–8, BLOCK 3, SYLVIA'S HAVEN, IN THE SE1/4, SEC. 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO

Book 5 Page 62 2 of 2

CDAT OBJ-7102 0041



EXHIBIT

4

DEPONENT NAME: D. HAWKS

DATE: 5/12/16

CDAT OBJ-7102 0038

CDAT OBJ-7102 0343

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Morris & Wolff, P.A.
722 Main Avenue
St. Maries, Idaho 83861

91-7102
Lot 6

Instrument # 269173
BENEWAH COUNTY
7-30-2014 04:36:15 No. of Pages: 5
Recorded for : MORRIS AND WOLFF PA
DEANNA BRAMBLETT Fee: 22.00
Ex-Officio Recorder Deputy
Index to: DEEDS, OTHER

(Space Above For Recorder's Use)

DEED OF DISTRIBUTION
SUBJECT TO A LIFE ESTATE

THIS DEED is made and executed by Deanne Hawks, as Personal Representative of the ESTATE OF JILL LORENE PERKINS, hereinafter referred to as the ("Grantor"), to BRANDON PERKINS, a married man dealing in his sole and separate property, with an address of 155 NW Woodbrook Drive, Grants Pass, Oregon 97526, hereinafter referred to as the ("Grantee").

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Case Number CV 2013-311 in Benewah County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereafter described real property;

THEREFORE, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Benewah County, Idaho:

Lot 4, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.

And

Lot 5, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.

EXHIBIT
5
DEPONENT NAME: D. HAWKS
DATE: 5/21/16

And

Lot 6, Block 2, Sylvia's Haven, according to the recorded plat thereof, Benewah County, Idaho.

TOGETHER WITH any water rights that may be conveyed by that certain Water Agreement and Easement dated April 29, 1982 and recorded July 8, 1982 as Instrument No. 156175 records of Benewah County, Idaho.

And

That part of LOT 9, BLOCK 1, SYLVIA'S HAVEN, according to the plat on file, as Instrument No. 144646, recorded December 9, 1968, records of Benewah County, Idaho; situated in the SE1/4, section 7, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the Northwest corner of LOT 9, BLOCK 1 of said Plat, monumented with a drill steel;

thence South 1°14'51" East, 40.32 feet (of record as South 1°12'00" East and South 1°12'00" West) along the West line of said LOT 9 to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence leaving said West line, South 84°47'53" East, 162.15 feet (of record as South 85°14'00" East, 162.01 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence South 0°49'26" East, 46.96 feet (of record as South 1°12'00" East, 47.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence South 85°45'10" East, 123.93 feet (of record as South 86°11'15" East, 124.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703, the POINT OF BEGINNING;

thence South 0°47'17" East, 96.11 feet (of record as South 0°12'00" East, 96.00 feet) to a point on the northerly right-of-way line of STATE HIGHWAY No. 3, said point monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 703;

thence South 84°03'16" East, 161.53 feet (of record as 161.88 feet) along said northerly right-of-way line to a drill steel;

thence South 82°00'39" East, 40.26 feet (of record as South 82°53'00" East) along said northerly right-of-way line, to a point on the centerline of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 45°38'42" West, 160.12 feet (of record as North 46°18' West) along said centerline, and leaving said northerly right-of-way line, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 85°45'10" West, 87.60 feet, and leaving said centerline, to the POINT OF BEGINNING.

And

Those parts of LOTS 5, 8 and 9, all in BLOCK 1, SYLVIA'S HAVEN, according to the plat on file, as Instrument No. 144646, recorded December 9, 1968, records of Benewah County, Idaho and that part of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County; all situated in the E1/2, section 7, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the Southeast corner of said LOT 8, monumented with a drill steel;

thence North 0°03'18" West, 187.29 feet (of record as North 1°06' West, 187.29 feet and North 1°06'00" West) along the East line of said LOT 8, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766, the POINT OF BEGINNING;

thence North 88°57'18" West, 90.95 feet (of record as West, 90.95 feet), and leaving said East line to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 0°03'18" East, 99.96 feet (of record as South 1°06' East, 98.76 feet) to a point on the northeasterly right-of-way line of that certain roadway vacated by an ORDER OF VACATION, recorded as Instrument No. 129197, on April 9, 1974, records of said County, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 44°21'18" West, 20.00 feet, and leaving said northeasterly line, to an iron rod, 30 inches long, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked WITNESS CORNER - PLS 6766;

thence continuing South 44°21'18" West, 5.00 feet to a point on the centerline of said vacated roadway, which is witnessed by the aforementioned monument;

thence traversing said centerline, as follows:

North 45°38'42" West, 66.78 feet (of record as North 46°18' West) to an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 85°45'10" West, 87.60 feet, and leaving said centerline, to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence continuing North 85°45'10" West, 123.93 feet (of record as North 86°11'15" West, 124.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 0°49'26" West, 46.96 feet (of record as North 1°12'00" West, 47.00 feet) to an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 84°47'53" West, 162.15 feet (of record as North 85°14'00" West, 162.01 feet) to a point on the West line of said LOT 9, said point monumented with an iron rod, 1/2 inch diameter, with a plastic cap marked PLS 703;

thence North 1°14'51" West, 40.32 feet (of record as North 1°12'00" West and North 1°12'00" East) along said West line to the Northwest corner of said LOT 9, said corner monumented with a drill steel;

thence North 88°08'45" East, 54.77 feet (of record as North 87°55' East, 54.77 feet) along the North line of said LOT 9 and an easterly extension of said North line, and leaving said West line, to a point on the centerline of said vacated roadway, said point monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence traversing said centerline, as follows:

North 70°29'35" East, 107.75 feet (of record as North 70°04' East, 107.65 feet), and leaving said North line extended, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 40°33'35" East, 130.58 feet (of record as North 40°08' East, 130.45 feet) to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 74°12'43" East, 180.90 feet (of record as North 73°23' East, 180.44 feet) to a point on the westerly extension of the North line of said LOT 8, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 86°24'28" East, 12.00 feet (of record as South 87°35' East) along said westerly extension, and leaving said centerline, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 7°00'00" West, 14.50 feet, and leaving said westerly extension, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence North 83°00'00" East, 28.00 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 7°00'00" East, 19.74 feet to a point on the North line of said LOT 8, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 86°24'28" East, 71.97 feet (of record as South 87°35' East) along said North line to the Northeast corner of said LOT 8, said corner monumented with a drill steel;

thence South 0°55'51" East, 150.49 feet (of record as South 1°06' East and South 1°06'00" East) along the East line of said LOT 8, and leaving said North line, to an iron pipe, 1 inch diameter;

thence South 0°03'18" East, 76.81 feet (of record as South 1°06' East and South 1°06'00" East) continuing along said East line, to the POINT OF BEGINNING.

SUBJECT TO A LIFE ESTATE GRANTED TO DEANNE HAWKS AND STEVE HAWKS, HUSBAND AND WIFE, WHOSE ADDRESS IS 89231 HWY 3 N, ST. MARIES, BENEWAH COUNTY, IDAHO 83861, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP.

This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity.

DATED this 30th day of July, 2014.

ESTATE OF JILL LORENE PERKINS

Deanne Hawks P.R.

Deanne Hawks, Personal Representative

STATE OF IDAHO)
) ss.
County of Benewah)

On this 30th day of July, 2014, before me, a notary public, personally appeared Deanne Hawks, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of the ESTATE OF JILL LORENE PERKINS, and acknowledged to me that she executed the same as such personal representative.

TINA J. RHODES
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at St. Maries
My Commission Expires 11/8/2016

EXHIBIT
6
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

WATER AGREEMENT AND EASEMENT

THIS AGREEMENT made and entered into this 29th day of April, 1982, by and between DANIEL L. DAVENPORT and PATRICIA A. DAVENPORT, husband and wife, of P.O. Box 190, City of St. Maries, County of Benewah, State of Idaho, hereinafter referred to as Grantors, and DONALD J. HARVEY, JR. and SONJA G. HARVEY, husband and wife, of Route 2, Box 82, City of St. Maries, County of Benewah, State of Idaho, and C.C. CHASE and VERDIE CHASE, husband and wife, of 305 Lincoln Avenue, City of St. Maries, County of Benewah, State of Idaho, hereinafter referred to as Grantees.

WHEREAS, Grantors are the owners, or beneficial owners under escrow sale agreement, of a tract of land situated in Benewah County, State of Idaho, described as follows, to-wit:

> A portion of Lot Eight (8), Block One (1), Sylvia's Haven, a record subdivision in Benewah County, Idaho; the boundary of said portion is described as follows:
>
> Beginning at the Southeast corner of said Lot Eight (8), said corner also being the intersect of the northerly right-of-way boundary of Highway 95A, the northeasterly edge of a dedicated roadway and the east boundary of Lot Eight (8), running thence North 1°06' West, along said east boundary of Lot Eight (8), a distance of 187.29 feet; thence West a distance of 90.95 feet; thence South 1°06' East and parallel to said east boundary, a distance of 98.76 feet; thence South 46°18' East along the northeasterly edge of said dedicated roadway, a distance of 128.12 feet to the point of beginning, enclosing an area of 0.30 acres;

WHEREAS, Grantees are the owners of the following tracts of land situated in Benewah County, State of Idaho, described as follows, to-wit:

HARVEYS' TRACT:

Lots One (1), Two (2), Three (3) and Four (4), Block Two (2), Sylvia's Haven, a record subdivision of Benewah County, Idaho.

CHASES' TRACT:

Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Two (2), and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8), Block Three (3), Sylvia's Haven, a record subdivision of Benewah County, Idaho;

WHEREAS, there is on the above-described tract of Grantors a water well, together with a pump, casing, water lines and fittings, which were installed at the expense of Grantors and Grantees; and

WHEREAS, Grantors, their heirs and assigns, and Grantees, their heirs and assigns desire to use water from such well for domestic purposes on the said tract of Grantors and the above-described tracts of Grantees;

NOW, THEREFORE, in consideration of Ten and no/100 Dollars ($10.00) and the mutual covenants herein contained, Grantors do hereby grant, bargain, sell and convey unto Grantees and their heirs and assigns forever, the right to use water from said well as Grantees shall reasonably require for domestic purposes for those residences, houses, mobile homes, cabins and outbuildings in existence on the said tracts of Grantees as of the date hereof, or replacements thereof; SUBJECT, HOWEVER, to the right of Grantors, their heirs and assigns to use so much water from such well as Grantors shall reasonably require for domestic purposes for those residences, houses, mobile homes, cabins and outbuildings in existence on the said tract of Grantors as of the date hereof, or replacements thereof. Neither Grantors nor

CDAT OBJ-7102 0150

CDAT OBJ-7102 0350

Grantees, as between Grantors and Grantees or as between themselves, shall have any prior or superior right to use the water from such well.

For the same consideration, Grantors do hereby grant, bargain, sell and convey unto Grantees and their heirs and assigns forever, a perpetual, non-exclusive easement for the purpose of conveyance of water, maintenance, repair and replacement of the said well, pump, casing, water lines and fittings, on, in, over and across the above-described tract of Grantors, said easement being ten (10) feet in width, the centerline of which is described as: Beginning at a point on the East line of said tract, from which point the Northeast corner bears N 01°06' W a distance of 10.00 feet; running thence N 84°35' W a distance of 57.15 feet to the center of said well. Said easement shall also include, to the extent not already included above, a radius of five (5) feet measured from the center of said well and running around the same.

Grantors hereby agree to pay for the cost of the electricity to operate the pump for said well; however, Grantees, Harveys and Chases, shall reimburse Grantors in the sum of Twenty-four and no/100 Dollars ($24.00) and Twelve and no/100 Dollars ($12.00) respectively each year therefor. Each party shall be responsible for maintenance, repair and replacement of their own lines running from said well, and each party agrees to perform such maintenance, repair and replacement of their lines as shall be reasonably necessary and in a good and workmanlike manner, with minimum interference with the water rights of the other party and minimum disturbance of the said tract of Grantors, returning the same as closely as reasonably possible to its condition immediately prior to such disturbance. The parties shall bear all other costs and expenses of maintenance, repair and replacement of said

CDAT OBJ-7102 0151

CDAT OBJ-7102 0351

well, pump, water lines and fittings pro rata according to the amount of water used by each up to the time of such maintenance, repair and replacement. Meters shall be utilized by each party for such purpose, which meters shall also be maintained, repaired and replaced as reasonably necessary with costs and expenses of such maintenance, repair and replacement to be borne by the parties pro rata according to their water usage.

This agreement and the rights granted and conveyed hereunder shall run with and serve the Grantees' said tracts and shall bind and inure to the benfit of Grantors and Grantees and their respective heirs, personal representatives and assigns, forever.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first above written.

Daniel L. Davenport

Patricia A. Davenport

Grantors

Donald J. Harvey, Jr.

Sonja G. Harvey

C. C. Chase

CDAT OBJ-7102 0152

CDAT OBJ-7102 0352

Verdie Chase

Verdie Chase

Grantees

STATE OF IDAHO)
: ss.
County of Benewah)

On this 26th day of April, 1982, before me, the undersigned, a Notary Public in and for the said State, personally appeared DANIEL L. DAVENPORT and PATRICIA A. DAVENPORT, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date last above written.

Karen Schreiber
Notary Public, State of Idaho
Residing at: Harrison
Commission expires: Life Term

edged

CDAT OBJ-7102 0153

CDAT OBJ-7102 0353

Form 202
6/85

Ident. No. 91-07102

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Steve Hawks Phone 245-2403

   Post office address Rt. 2 Box 86 St. Maries, Id. 83861

2. Source of water supply St Joe River which is a tributary of Coeur d'Alene Lake

3. Location of point of diversion is NE ¼ of NE ¼ of SE ¼, Govt. Lot 1

   Sec. 7 Township 46N Range 2W B.M. Benewah County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 0.02 (cfs ~~or acre-feet per annum~~) for Domestic garden watering purposes from 1 MAR to 1 Dec (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.02 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. 1¼" pipe through culvert to canal

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (*minimum 1 year*).

MICROFILMED
DEC 27 1988

EXHIBIT
7
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

CDAT OBJ-7102 0013

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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 the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N	2W	7													D				~~.35~~

Total number of acres to be irrigated ~~.35~~

10. Describe any other water rights used for the same purposes as described above. Drinking water from well. I am ¼ partner

11. a. Who owns the property at the point of diversion? Cyril Chase

b. Who owns the land to be irrigated or place of use? Steve Hawks

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

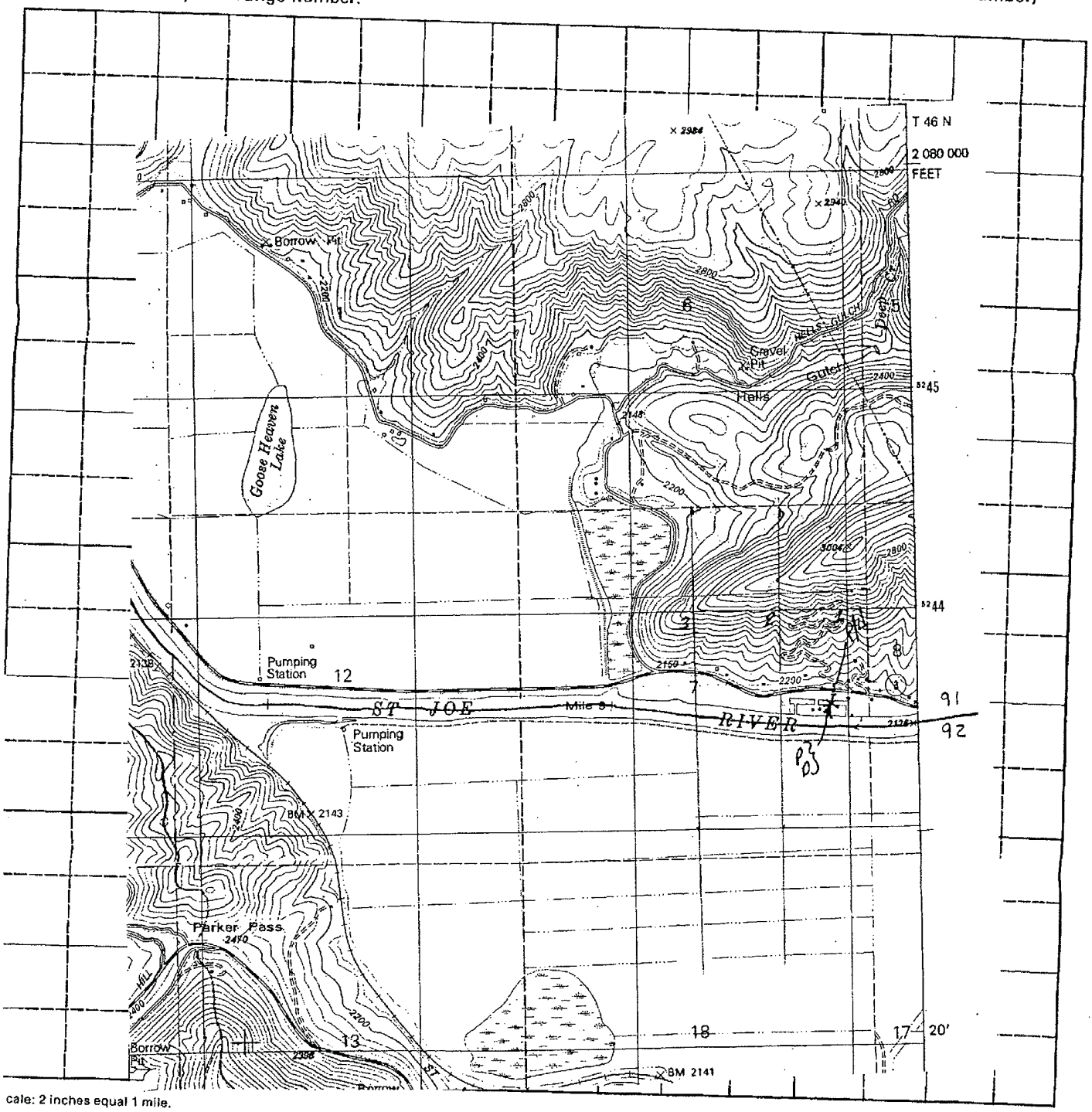
12. Remarks: _____

MICROFILMED

DEC 27 1988

CDAT OBJ-7102 0014

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



cale: 2 inches equal 1 mile.

BE IT KNOWN that the undersign[illegible] cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

DEC 27 1988

Steve Hawks
(Applicant)

CDAT OBJ-7102 0015

CDAT OBJ-7102 0356

Proposed Priority 7/22/88

Received by KK Date 7/22/88 Time 1:00 PM Preliminary check by JK

Fee $ 30.00 Receipted by JK # N 741 Date 7/26/88

Publication prepared by [signature] Date 8/18/88 Published in St. Maries Gazette 8/17+24/88

Publication approved [signature] Date 8/29/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 91-7102, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 89.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6th day of October, 1988.

for J. Glen Saxton
Director

MICROFILMED
DEC 27 1988

CDAT OBJ-7102 0016

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah county, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 17th day of Aug., 19 88 and the last on the 24th day of Aug., 19 88.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 26th day of Aug., 19 88

Cynthia Ann Hammes

STATE OF IDAHO
COUNTY OF BENEWAH

On this 26th day of Aug in the year 19 88, before me, a Notary Public, personally appeared Cynthia Ann Hammes known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Sharon D. Blackburn
Notary Public
Residing at St. Maries, Idaho

Application for water right filed by Hawks

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

91-07102

Hawks, Steve
Rt 2 Box 86
St. Maries, ID 83861
Source: St. Joe River
Tributary: Coeur d'Alene Lake
Diversion Pt: Lot 1 (NENESE) Sec 7 T 46N R 02W
Use: Domestic (.020 CFS)
Date Filed: 7/22/1988
In: T46N R02W S07 Lot 1 (NESE)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, Government Way Suite 9, Coeur d'Alene, Idaho 83814 on or before September 6, 1988.

R. Keith Higginson, Director
No. 549 — Aug. 17-24.

OK 10/29/88

EXHIBIT
8
DEPONENT NAME: D. HAWKS
DATE: 5/21/16

RECEIVED
JUN 27 1990
Department of Water Resources

SENIOR AGENT REVIEW

Check List
for
Beneficial Use Field Report

Permit 91-07102

A. GENERAL INFORMATION
1. Name and address are most current available. (Check BU statement) ✓
2. Exam Date ✓
3. Source (Check Permit) ✓

B. OVERLAP REVIEW
1. & 2. (Rule 5,1,4) ✓

C. SYSTEM DESCRIPTION
1. Diversion System Diagram (Rule 5,1,3 / 5,1,4) ✓
2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17) ✓
3. Word Picture (Rule 5,1,3 / 5,1,4) ✓
4. Diversion (Rule 5,1,3) ✓
5. Compare with USGS Map, Land Survey Maps, Aerial Photos and Permit. ✓
6. Irrigation (Rule 5,1,8) ✓

D. FLOW MEASUREMENTS Check math (Rule 5,1,13 / 5,1,14) ✓

E. FLOW CALCULATIONS Check math (Rule 5,1,13 / 5,1,14) ✓

F. OPTIONAL ✓

G. VOLUME CALCULATIONS
Three significant figures and no more than 1/10's (Rule 6,1,2) ✓
Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

H. REMARKS AND OVERLAP ANALYSES
All actual uses listed; all permitted uses not used, also listed; (Rule 5,1,2): ✓
Overlaps (Rule 5,1,4): ✓
Return flows (Rule 5,1,5): ✓
Conditions (Rule 5,1,6). ✓

I. RECOMMENDATIONS
1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity (Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14). Period of year (Rule 5,1,13) ✓
2. Compare permit to exam for amendments (Rule 5,1,16) ✓

J. AUTHENTICATION
Name, Signature, Certification Date, Exam Date. ✓

WELL INSPECTION REPORT
Check with permit and well log for discrepancies ✓

Signature [illegible] Date 8/19/89

EXHIBIT
9
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

CDAT OBJ-7102 0020

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT SUPPLEMENT

C O N T E N T S

( ) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(✓)Field Report (✓)Quad Sheet (✓)Gov. Lot Plat (✓)Rules Check list

( )Aerial Photo ( )Photo PD/PU ( )Well Log

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

( ) Correspondence (Date) _____

( ) Other (List) _____

Contacts:

Remarks: The PD

Exam Completed By _____ Date 8/8/89

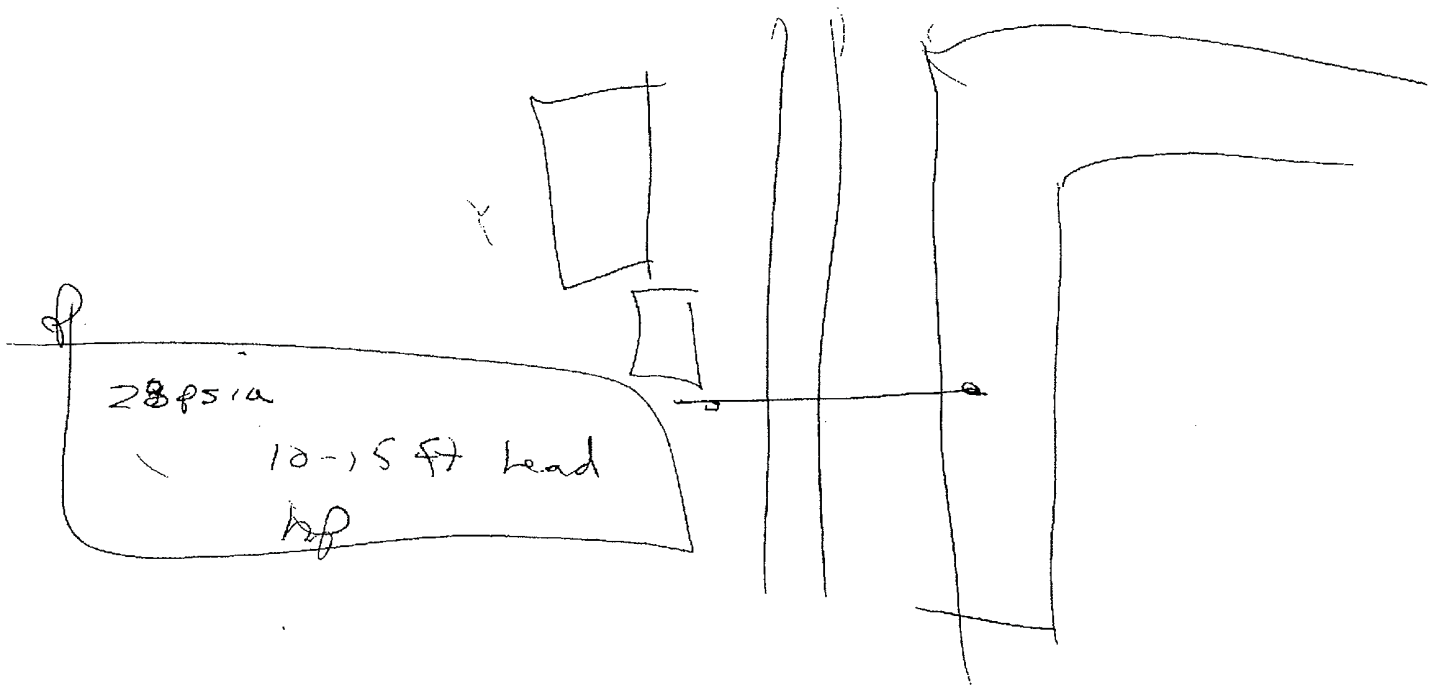
Sr. Agent Review _____ Date _____

Regional Manager Review _____ Date _____

PERMIT NUMBER

91-07102

CDAT OBJ-7102 0022



Form 219
6/86

RECEIVED
JUN 27 1990
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 91-7102

1. Owner: Steve Hawks Phone No. 245-2403

   Current Address: Rt 2 Box 86 St. Maries, Id 83861

2. Accompanied by: Mrs. Hawks EXAM. DATE: 7/26/89

   Address: Same Phone No. Same

   Relationship to Permit Holder: wife

3. Source: St. Joe River tributary to Coeurd'Alene lk.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

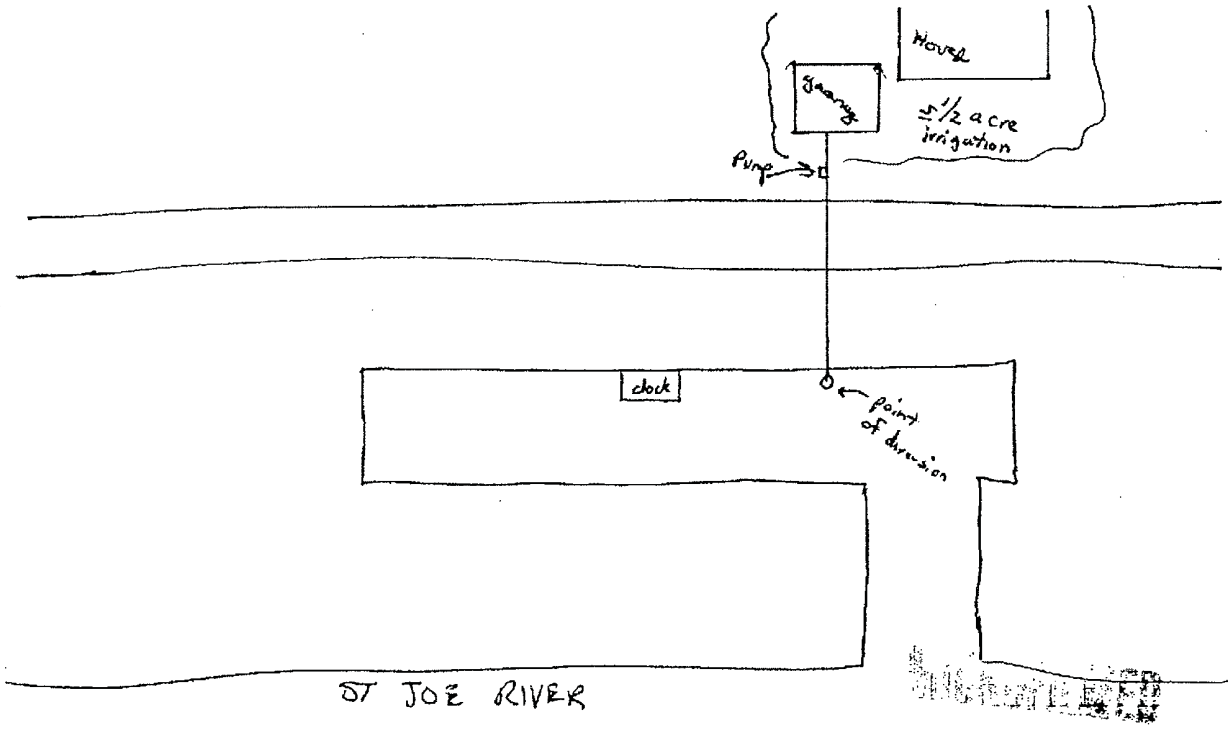
   ☐ Copies Attached

2. Other water rights with same point of diversion: NONE

   ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS.

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

   ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

   ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

JUL 30 1990

CDAT OBJ-7102 0023

CDAT OBJ-7102 0363

CDAT OBJ-7102 0024

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Pick up in private bay with 1 1/2" black pvc pipe across under road to 1/2 hp pump. Water is the distributed through hoses and sprinklers.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	TEEL	1/2	?	?	1"

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	7	NE	NE	SE	7	46N	2W	Benewah	Map

6. **Place(s) of Use:** Indicate Method of Determination Map

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N	2W	7													D				

Do not use this space

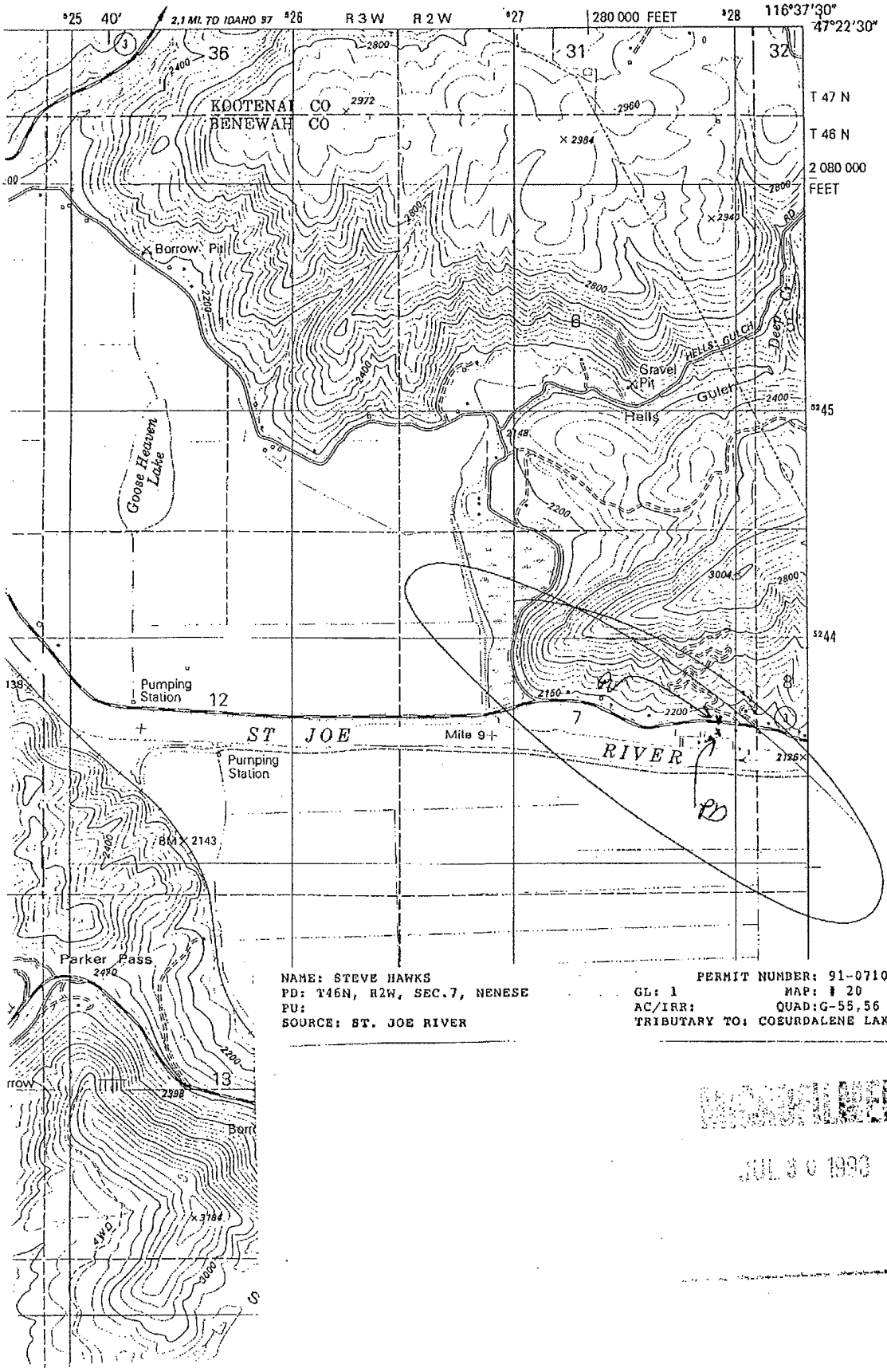
BENEWAH LAKE QUADR[redacted]LE

IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

SW/4 ST. MARIES 15' QUADRANGLE

2878 I NE (MEDIMONT)



NAME: STEVE HAWKS
PD: T46N, R2W, SEC.7, NENESE
PU:
SOURCE: ST. JOE RIVER

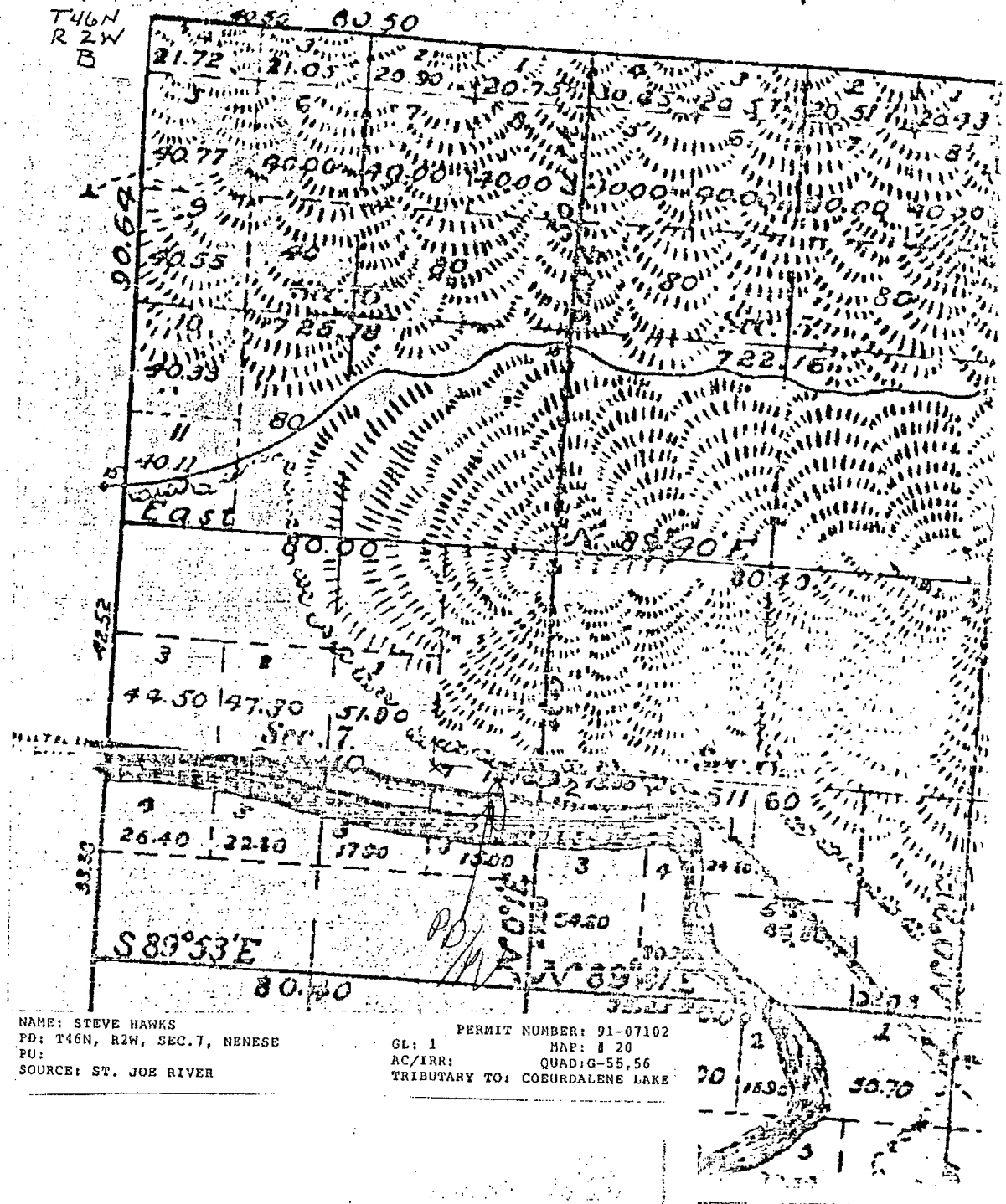
PERMIT NUMBER: 91-07102
GL: 1 MAP: # 20
AC/IRR: QUAD:G-55,56
TRIBUTARY TO: COEURDALENE LAKE

RECEIVED

JUL 3 0 1993

CDAT OBJ-7102 0025

CDAT OBJ-7102 0364



NAME: STEVE HAWKS
PD: T46N, R2W, SEC.7, NENESE
PU:
SOURCE: ST. JOE RIVER

PERMIT NUMBER: 91-07102
GL: 1 MAP: 8 20
AC/IRR: QUAD:G-55,56
TRIBUTARY TO: COEURDALENE LAKE

Do not use this space

D. FLOW MEASUREMENTS

NONE ☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $Q = \frac{8.8(.7)(1/2)}{2.3(28) + 30} = .033$ cfs 28 psi 30

2. Alternate Method for Checking Purposes: limited to .02 by application

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Domestic (.2 af a) 1 Home

CDAT OBJ-7102 0367

CDAT OBJ-7102 0028

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Domestic Irrigation was all that was found.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic	3/15	11/15	0.02 cfs	0.6 afa
		Totals:	0.02 cfs	0.6 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☑ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name: Louis Sukoraty

Signature: [signature]

Certification Date: 2/17/89

Field Report Preparation Date: 2/26/89

REGISTERED PROFESSIONAL ENGINEER 2346 STATE OF IDAHO ROBERT G. HAYNES

CONSULTANT ENGINEER: [signature]

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07102

Priority: July 22, 1988

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume:[1] 0.6 AF

This is to certify, that STEVE HAWKS
RT 2 BOX 86
ST. MARIES, ID 83861 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 22, 1988; and has submitted Proof of Beneficial Use on October 19, 1988. An examination indicates that the works have a diversion capacity of .020 cfs of water from:

ST. JOE RIVER tributary to COEUR D ALENE LAKE

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	03/15 to 11/15	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 7(NESE), Sec. 7, Township 46N, Range 02W
BENEWAH County

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
46N	02W	7	LOT 7(NESE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for irriagation of lawn & garden.

MICROFILMED

JUL 30 1990

EXHIBIT 10
DEPONENT NAME: D. HAWKS
DATE: 5/12/16

CDAT OBJ-7102 0011

CDAT OBJ-7102 0368

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07102

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20TH day of July, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED
JUL 30 1990

CDAT OBJ-7102 0369

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 91-7102

NAME AND ADDRESS: DEANNE HAWKS
89231 HWY 3 N
ST MARIES ID 83861

STEVE HAWKS
89231 HWY 3 N
ST MARIES ID 83861

SOURCE: ST JOE RIVER TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.020 CFS
0.60 AFY

PRIORITY DATE: 07/22/1988

POINT OF DIVERSION: T46N R02W S7 NESE Lot 7 Within BENEWAH County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	03/15 11/15	0.020 CFS 0.60 AFY

Domestic use is for irrigation of lawn and garden.

PLACE OF USE: DOMESTIC in BENEWAH County

T46N R02W S07 Lot 7 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Parcel No. RP005300200061A for point of diversion.

Parcel No. RP005300100009AA and RP005300100095A for place of use.

EXHIBIT
11
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT SUPPLEMENT

C O N T E N T S

( ) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

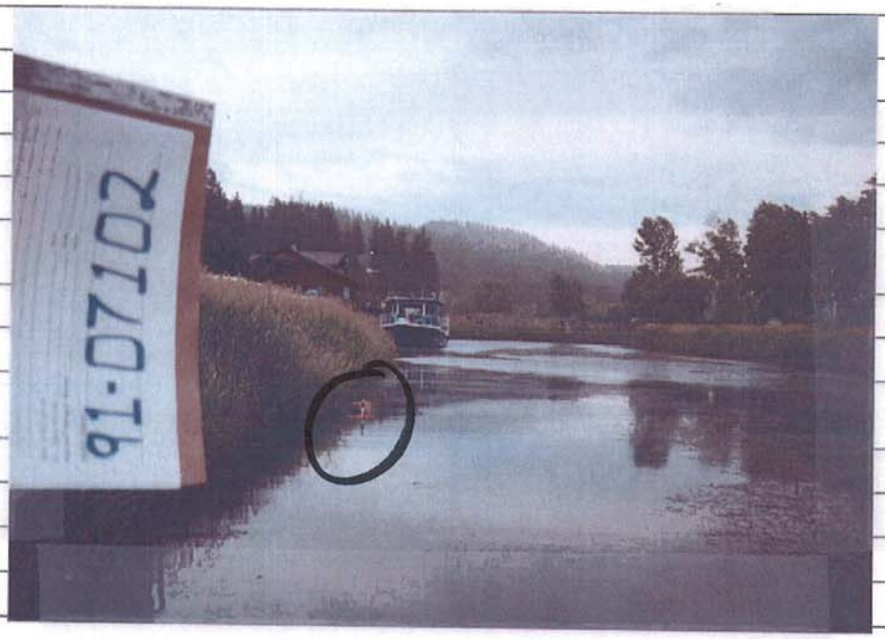
(✓)Field Report (✓)Quad Sheet (✓)Gov. Lot Plat (✓)Rules Check list

( )Aerial Photo ( )Photo PD/PU ( )Well Log

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

( ) Correspondence (Date) _____

( ) Other (List) _____



Contacts:

Remarks: The PD

Exam Completed By Doris Sch Date 8/8/89

Sr. Agent Review _____ Date _____

Regional Manager Review _____ Date _____

MICROFILMED

JUL 30 1990

PERMIT NUMBER

91-07102

EXHIBIT

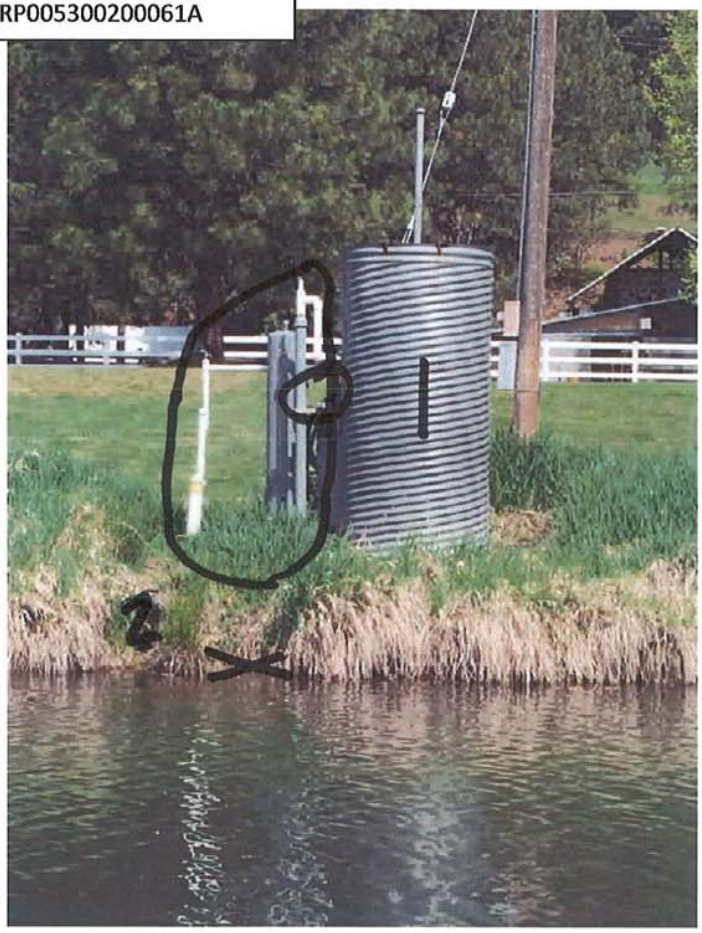
12

DEPONENT NAME: D. HAWKS DATE: 5/2/16

EXHIBIT
13
DEPONENT NAME: D. HAWKS
DATE: 5/12/16

Location 5: Jill Perkins
LRP005300200061A

D



CORRECTION DEED

THIS INDENTURE, Made and entered into this 22th day of November, 1990, by and between EUPHEMIA PENNEY, a widow, and RAY A. SWANSON and MINA L. SWANSON, husband and wife, Parties of the First Part and STEVE W. HAWKS and DEANNE A. HAWKS, husband and wife, whose address is HC-02, Box 86, St. Maries, ID 83861, the Parties of the Second Part.

W I T N E S S E T H:

That the Parties of the First Part, for and in consideration of the sum of ONE AND NO/100 DOLLARS ($1.00) to them in hand paid by the said Parties of the Second Part, the receipt thereof is hereby acknowledged, does hereby grant, sell and convey to the Parties of the Second Part and their heirs, devisees and assigns forever the following described real property situated in the County of Benewah, State of Idaho to-wit:

An undivided one-half interest in and to Lot Thirteen (13), Block Two (2), Sylvia's Haven Subdivision, together with an easement for purposes of moorage in and upon the riparian rights in the dockage lagoon as shown on said plat adjacent and appurtenant to the southerly forty (40) feet of the shore line of Lot Twelve (12), Block Two (2), Sylvia's Haven Subdivision, County of Benewah.

THIS INSTRUMENT is intended as a Correction Warranty Deed to correct an error in the description in that certain Warranty Deed between the parties hereto recorded in the office of the Benewah County Recorder on the 3rd day of August, 1990 as Instrument No. 184009.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, title, right and interest in and to the property, as well in law as in equity, of the Parties of the First Part.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises together with the appurtenances unto the Parties of the Second Part, and to their heirs, devisees and assigns forever.

And the Parties of the First Part, and their heirs, shall

EXHIBIT
14
DEPONENT NAME: D. HAWKS
DATE: 5/12/16

and will WARRANT and by these presents forever DEFEND the premises in the quiet and peaceable possession of the Parties of the Second Part, their heirs, devisees and assigns against all and every person or persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, the Parties of the First Part have hereunto set their hands the day and year first above written.

Euphemia Penney
EUPHEMIA PENNEY

Ray A. Swanson
RAY A. SWANSON

Mina L. Swanson
MINA L. SWANSON
Parties of the First Part

****

STATE OF IDAHO)
: ss.
County of Shoshone)

On this 28th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared EUPHEMIA PENNEY, a widow, to me known to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the purposes therein specified.

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

Marilyn J. Turcotte
Notary Public, State of Idaho
Residing at Osburn
My commission expires: 1-1-93

2. CORRECTION DEED

STATE OF IDAHO)
: ss.
County of Shoshone)

On this 28th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RAY A. SWANSON and MINA L. SWANSON, husband and wife, to me known to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the purposes therein specified.

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

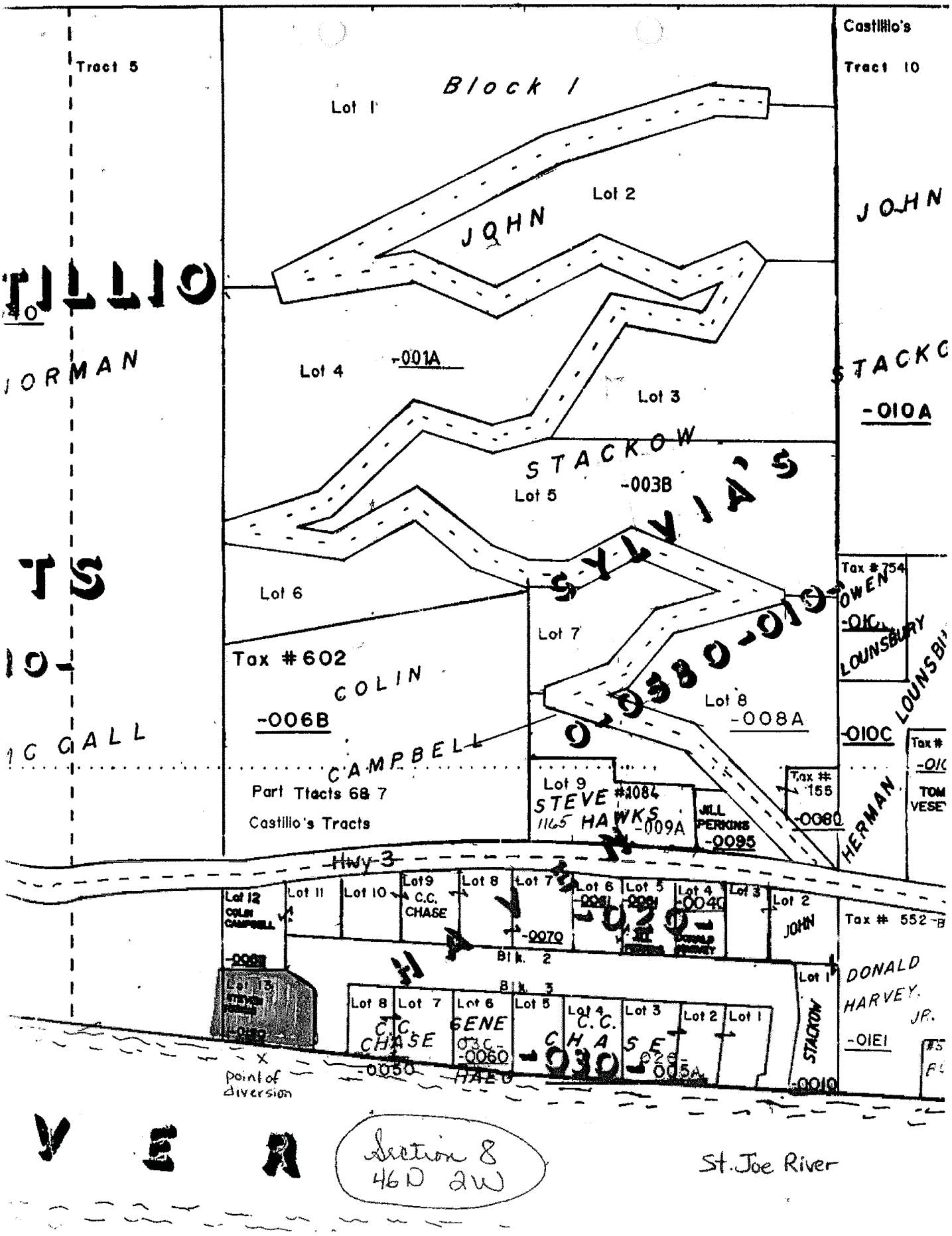
Marilyn J. Pierrette
Notary Public, State of Idaho
Residing at Osborn
My commission expires: 1-1-93

184924

P4:06
Connie Larson deputy

3. CORRECTION DEED

Dianne Hawks
HC02 Box 86
St Maries, Id 83861 $9.00



CDAT OBJ-7173 0011

CDAT OBJ-7102 0376

EXHIBIT

15

DEPONENT NAME: D. HAWKS

DATE: 5/2/16

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201
Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1535 FAX (208) 769-1557

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public Instruction

ENCROACHMENT PERMIT NO. L-95-S-4339

Permission is hereby granted to STEVE HAWKS of HCR 2 Box 86 St. Maries, ID 83861 to install and maintain 2.5' x 20' ramp & 8' x 30' float dock w/ 4 piling located: St. Joe River, Sylvia's Haven, Block 2, Lot 12, Section 7, Township 46 North, Range 2 West, Boise Meridian, Benewah County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.

2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.

3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.

4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.

5. The Permittee assumes all liability for damages which may result from the exercise of this permit.

6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.

7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.

8. If the activity authorized herein is not completed on or before the 15th day of August, 2000 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

EXHIBIT 16
DEPONENT NAME: D. HAWKS
DATE: 5/12/16

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

9. White bead foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents.

10. Removal of any pre-existing facilities is a condition of this permit.

11. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.

12. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses, such as CCA (Chromated Copper Arsenate), by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. **Contact Idaho Department of Health and Welfare, Division of Environmental Quality, at (208)769-1422 with questions regarding treated materials.**

13. All construction material must be stockpiled landward of the ordinary high water mark.

14. Regardless of dock dimensions, the dock may only extend waterward to a water depth of six feet when measured at full pool (elevation 2,128 WWP datum).

15. This permit is issued subject to the established commercial navigational servitude. The permittee places this encroachment at his own peril and specifically waives any claim against commercial log tow operators who may accidentally damage this encroachment.

16. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.

17. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Carl Washburn

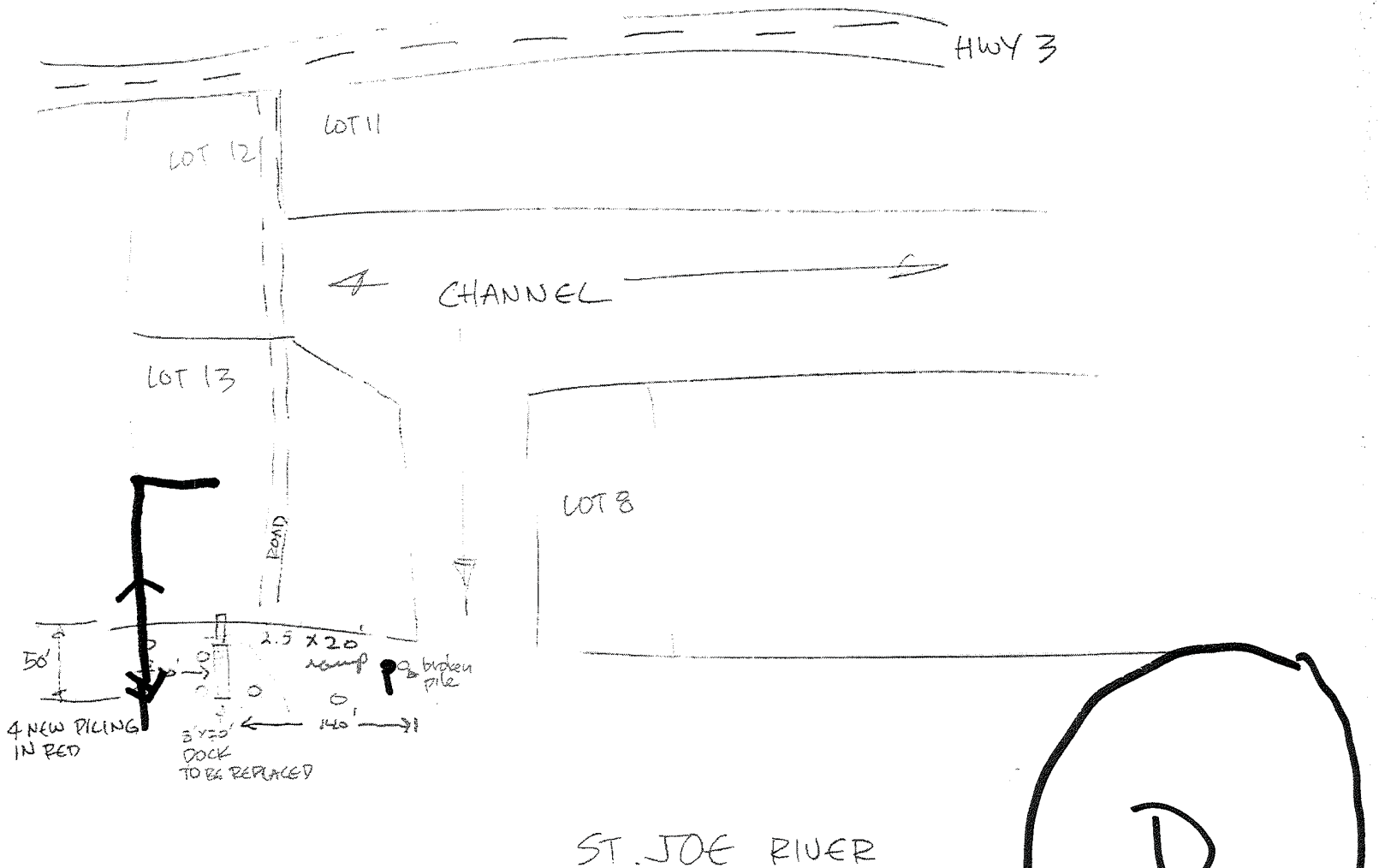
CARL WASHBURN
Navigable Waters Specialist

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 15th day of August, 1997.

Merna Cherry

Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98



EXHIBIT

17

DEPONENT NAME: D. HAWKS

DATE: 5/2/16

IDAHO DEPARTMENT OF LANDS
P.O. BOX 670, COEUR D'ALENE, IDAHO 83814

STANLEY F. HAMILTON
DIRECTOR

BOARD OF LAND COMMISSIONERS
CECIL D. ANDRUS
Governor
PETE T. CENARRUSA
Secretary of State
JIM JONES
Attorney General
JOE R. WILLIAMS
State Auditor
JERRY L. EVANS
Sup't of Public Instruction

November 30, 1988

Steve Hawks
Route 2, Box 86
St. Maries, ID 83861

Re: 91-07102

~~Dear Mr. Woodhull~~:

Recently the Department of Lands received a copy of the above-referenced diversion application which you submitted to the Department of Water Resources. Since the St. Joe River is a navigable river, a temporary permit and an encroachment permit will be required from the Department of Lands for the pump and waterline.

If the application to Water Resources is for a system installed prior to 1974, please furnish drawings and the $10 temporary permit fee.

If the application is for a new system, please complete the enclosed application as per the instructions on the back of the form. Mail along with your payment in the amount of $60 to this office. The temporary permit fee is $10, runs for five years, and is renewable. There is an encroachment application fee of $25 and an advertising deposit of $25. Please submit a plat and property description showing location of the waterline.

Sincerely,

L. Robert Schneider

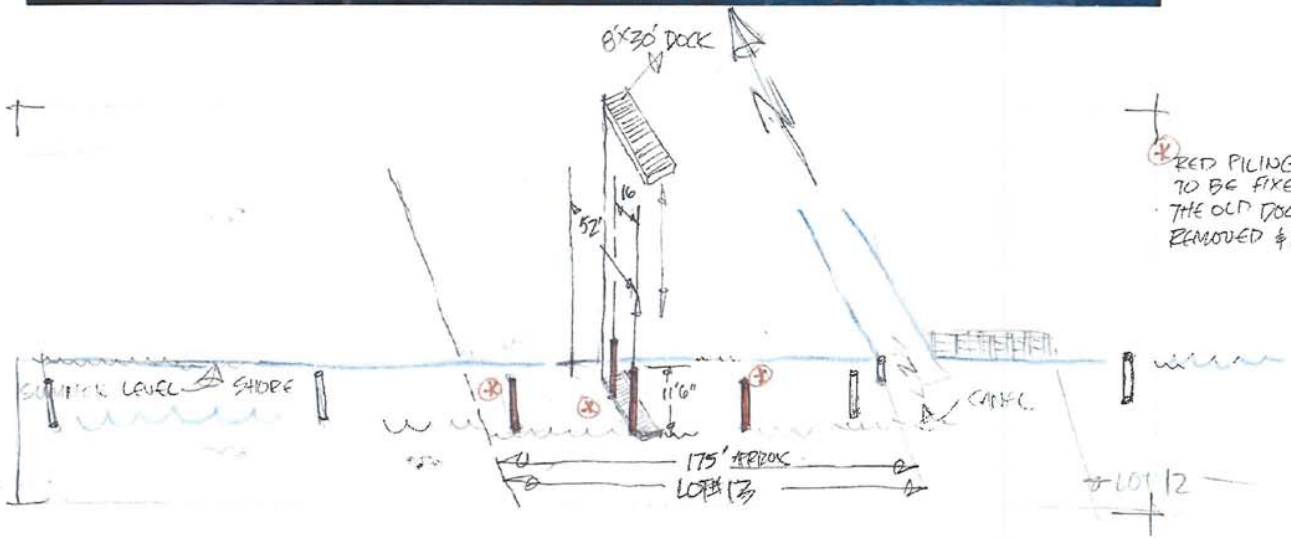
L. ROBERT SCHNEIDER
Navigable Waters Specialist

LRS/mc
Enclosures

COPY

EXHIBIT 18
DEPONENT NAME: D. Hawks
DATE: 5/12/16

SECTION 7, TOWNSHIP 46 NORTH,
RANGE 2 WEST, BM
BENEWAH COUNTY, ID.



RED PILINGS ARE TO BE FIXED.
· THE OLD DOCK WILL BE REMOVED & BURNED.

EXHIBIT 19
DEPONENT NAME: O'HANLICS
DATE: 5/12/14

DELIVERY SYSTEM

Legend

- Right POD
- Right POU

0 50 100 200 300 400 Feet

N
W E
S

EXHIBIT
20
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

CDAT OBJ-7173 0016

REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

Compliance Order

Issue Date: December 9, 2004

Issued to: Steven Hawks
89231 HWY 3 North
St.Maries, ID 83861

Issued By: Coeur d'Alene Tribe Lake Management Department pursuant to Tribal Code Chapter 44 (complete copy enclosed), sections 44-23.01(A)-5 and 44-23.01(B).

Description of Violation: Failure to obtain a permit for an encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment fees in 2003 and 2004 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-23.01(A)-1,(A)-5.

Conditions of Compliance Order: Under Tribal law, the above named owner of this encroachment must **contact** the **Lake Management Department within TEN (10) DAYS after receipt of this notice and take one of the following actions:**

1. **Apply for an encroachment permit and pay all application and past due lease fees for use of Tribal submerged lands; OR**

2. **File a written appeal in accordance with these procedures:** The appeal must be in writing, include a written explanation of the appeal requested, and the type of relief requested. Appeals must be sent to: Coeur d'Alene Tribe, Lake Management Department, 850 A Street, P.O. Box 408, Plummer ID 83851. If your request for an appeal is timely, you will be promptly notified of a hearing date before the Lake Management Board. Tribal law also permits any aggrieved party to appeal the decision of the Board to the Tribal Court. See Tribal Code section 44-23.01(D). **Failure to act on the appeal process within 10 days will forfeit any appeal** and shall render this order **final** for all purposes.

Failure to satisfy one of the conditions above may require the Tribe to pursue a Tribal court order for removal of your encroachment and for other remedies authorized under Tribal law. See Tribal Code sections 44-23.01(C), (E),(F),$(G).

If you have questions regarding this notice contact Ed Hale at the above address or phone at (208) 686-1118.

Edgar O. Hale — 12/10/04

Edgar Hale, Navigable Water Specialist,
Lake Management Department
On behalf of the Coeur d'Alene Tribe

Date

EXHIBIT
21
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

RECEIVED

20 DEC 04

COEUR D'ALENE TRIBE
850 A STREET
P.O. BOX 408
PLUMMER, ID 83851

I PROTEST HAVING TO PAY ANY FEES BEYOND THE PERMITS I PAID THROUGH THE STATE OF IDAHO.

Steve Hawks
89231 HWY 3 N
ST. MARIES, ID 83861

RECEIVED

20 DEC 04

COEUR D'ALENE TRIBE
850 A STREET
P.O. BOX 408
PLUMMER, ID 83851

I PROTEST HAVING TO PAY ANY FEES BEYOND THE PERMITS I PAID THROUGH THE STATE OF IDAHO.

Steve Hawks
8221 HWY 3 N
ST. MARIES, ID 83861

REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

January 10, 2005

Steve Hawks
89231 Hwy 3 N
St. Maries, Id 83861

Dear Mr. Hawks:

I have received your letter of December 20, 2004 stating that you do not wish to pay fees for your dock. The Compliance Order you received provided two options for your consideration. You can comply with the rules for permitting and pay your fees, or you can request an appeal to the Lake Management Board. If you wish to appeal to the Lake Management Board, you must do so in writing and provide an explanation of the appeal requested, the applicable sections of the Tribal Code, and the relief requested.

Please contact me within 10 days of receipt of this letter to clarify your intent. If you decide you would like to contribute to managing Tribal Waters by paying your fees, I will be happy to provide an application. If your intent was to appeal the Compliance Order, I will request that the Board schedule a time for your appeal at its next meeting.

Sincerely

Edgar O. Hale
Navigable Waters Specialist

Cc: Eric VanOrden
Brian Cleary
Robert Matt

REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

COPY

November 15, 2005

VIA CERTIFIED MAIL
Mr. Steve Hawks
89231 Hwy 3 N
St. Maries, ID 83861

Dear Mr. Hawks

By Tribal Compliance Order dated December 9, 2004, the Coeur d'Alene Tribe notified you that maintenance of your encroachment (dock) on Tribal lands and waters without a Tribal permit and without paying annual encroachment fees in 2003 and 2004 was in violation of Tribal Code Chapter 44 (Encroachments), and that you had the right to file a written appeal of that Order within 10 days of receiving it.

Your written response, dated December 20, 2004, stated that "I protest having to pay any fees beyond the permits I paid through the state of Idaho," but it was unclear to us whether you intended this response to serve as a formal appeal of the Order. By letter dated January 10, 2005, we tried to clarify the matter, and provided you with an additional 10 days to respond. The Tribe has no record that you responded to this inquiry.

The Tribe wants to ensure that you have had an adequate opportunity to clarify the intent of your letter dated December 20, 2004. We are therefore providing you the opportunity to do so within 10 days after receiving this letter. If you respond, please indicate whether your letter dated December 10, 2004, was intended to appeal the Compliance Order, and please express any additional grounds you may have in support of your appeal.

If the Tribe does not receive a response from you within the allotted time, we will nevertheless assume that your letter of December 10, 2004, was intended to appeal the Compliance Order, and that the basis for your appeal is limited to the grounds set forth in that letter. We will then refer the matter to the Tribal Lake/River Board to schedule a hearing date and to issue a Notice of Hearing to you regarding the Compliance Order.

For your reference, we are enclosing a copy of Tribal Code Chapter 44 (Encroachments), which sets forth the specific provisions governing appeals from Compliance Orders, and a copy of the Tribal Lake/River Board Rules and Procedures, which govern appeals brought before the Board.

Please contact me at the above listed telephone number if you have any questions regarding this matter.

Sincerely

Jason P. Brown
Navigable Waters Specialist

cc: Eric Van Orden
Phillip Cernera

Encl. (2) (Ch. 44, & Bd Rules & Proc.)

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

Compliance Order

Issued to: Steven Hawks (Encr. #0506)
89231 Hwy 3 N
St. Maries, ID 83861

Issue Date: August 10, 2006

2nd NOTICE 2003 & 2004
1st NOTICE 2005 & 2006

Issued By: Coeur d'Alene Tribe Lake Management Department pursuant to Tribal Code Chapter 44 (complete copy enclosed), sections 44-24.01(A)-5 and 44-24.01(B).

Description of Violation: Failure to obtain a permit for an encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment fees in 2003, 2004, 2005, and 2006 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-24.01(A)-1,(A)-5.

Conditions of Compliance Order: Under Tribal law, the above named owner of this encroachment must **contact** the **Lake Management Department within TEN (10) DAYS after receipt of this notice and take one of the following actions:**

1. **Apply for an encroachment permit and pay all application and past due lease fees for use of Tribal submerged lands; OR**

2. **File a written appeal in accordance with these procedures:** The appeal must be in writing, include a written explanation of the appeal requested, and the type of relief requested. Appeals must be sent to: Coeur d'Alene Tribe, Lake Management Department, 850 A Street, P.O. Box 408, Plummer ID 83851. If your request for an appeal is timely, you will be promptly notified of a hearing date before the Coeur d'Alene Tribe Lake/River Board. Tribal law also permits any aggrieved party to appeal the decision of the Board to the Tribal Court. See Tribal Code section 44-24.01(D). **Failure to act on the appeal process within 10 days will forfeit any appeal** and shall render this order **final** for all purposes.

Failure to satisfy one of the conditions above may require the Tribe to pursue a Tribal court order for removal of your encroachment and for other remedies authorized under Tribal law. See Tribal Code sections 44-24.01(C), (E), (F), and (G).

If you have questions regarding this notice contact Jason Brown at the above address or phone at (208) 686-1118.

Jason P. Brown, Navigable Waters Specialist,
Lake Management Department
On behalf of the Coeur d'Alene Tribe

8/10/06
Date

REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

February 7, 2007

Steven W. Hawks
89231 Highway 3 North
St. Maries, ID 83861

RE: Encroachment #0506

Dear Steven W. Hawks,

You have been identified as maintaining an encroachment in, on or above submerged lands and waters of the St. Joe River within the Coeur d'Alene Indian Reservation. The regulation of use of the submerged lands and waters are an essential governmental function of the Tribe. The Tribal and public health, safety and welfare requires that any allowed use of these waters and submerged lands be regulated to protect water quality and quantity, navigation, fish and wildlife habitat, aquatic life, aesthetic beauty and Tribal cultural values.

To this point the Tribe has not yet received an application for your encroachment, failure to provide such application by June 2, 2003 has resulted in your encroachment designated as an 'unregistered dock' within Tribal Waters. In addition to the absence of the requisite application and filing fee for a Tribal encroachment permit and lease, it appears there has also been a failure to obtain a permit for your encroachment (dock) on Tribal lands/waters and failure to pay annual encroachment lease fees in calendar years 2003 through 2007 as required by Tribal Code sections 44-8.01(D), 44-9.01(A)-1, and 44-24.01(A)-1,(A)-5.

Up to this point the Lake Management Department had been pursuing compliance actions against encroachment owners failing to obtain the required permit and lease necessary to maintain an encroachment within Tribal waters. Certain owners, previously maintaining encroachments on Tribal waters, have unsuccessfully pursued an appeal before the Tribal Lake/River Board as allowed by Tribal Code section 44-24-01. It has also been brought to our attention that private individual docks previously in violation, maintained by owners involved in compliance actions, have been removed from Tribal waters.

The regulation of these uses has not been motivated by monetary benefit and the Tribe is prepared to forego any penalties, monetary or otherwise, for those individuals removing their encroachment currently in violation. ***As per Tribal Code section 44-8-01(D)1., All encroachments on Tribal submerged lands and waters are specifically prohibited and considered an unlawful trespass unless there is a solid permit and lease currently in effect for the encroachment.*** This would provide that any related appurtenances (i.e.

pilings, log booms, etc.), also considered by definition an encroachment on Tribal waters, must also be removed and disposed of appropriately at the owner's expense.

For those owners that may desire to now bring their encroachment into compliance, they would be required to submit the requisite application and pay current and past due lease fees from 2003 through 2007. It has and will be the Tribe's desire for encroachment owners to comply with Tribal laws regulating the use of submerged lands and waters and share in the enjoyment of those waters with the Tribe.

The Tribe is now preparing to move forward with further compliance actions for those remaining owners currently maintaining encroachments in violation of Tribal law. Owners failing to comply may be issued a Tribal Compliance order pursuant to Tribal Law and Order Code Chapter 44.24.01(B) and enter subsequent compliance proceedings.

We would encourage you to contact our office at the earliest stage possible. The Coeur d'Alene Tribe Encroachment Application and Fee Schedules can be downloaded from the Lake Management Department website at the following link http://www.cdatribe-nsn.gov/lake/e_info.shtml or by contacting our office and requesting a copy. Please do not hesitate to call me at (208) 686-1118 if you have any questions regarding this matter.

Sincerely,

Jason P. Brown
Recreation Management Program Manager

POWER BOX .JPG

PUMP HOUSE.JPG

POU.JPG

POU-.JPG

IMG_1043.JPG

SYSTEM.JPG

PUMP.JPG

MOTOR.JPG

POD.JPG

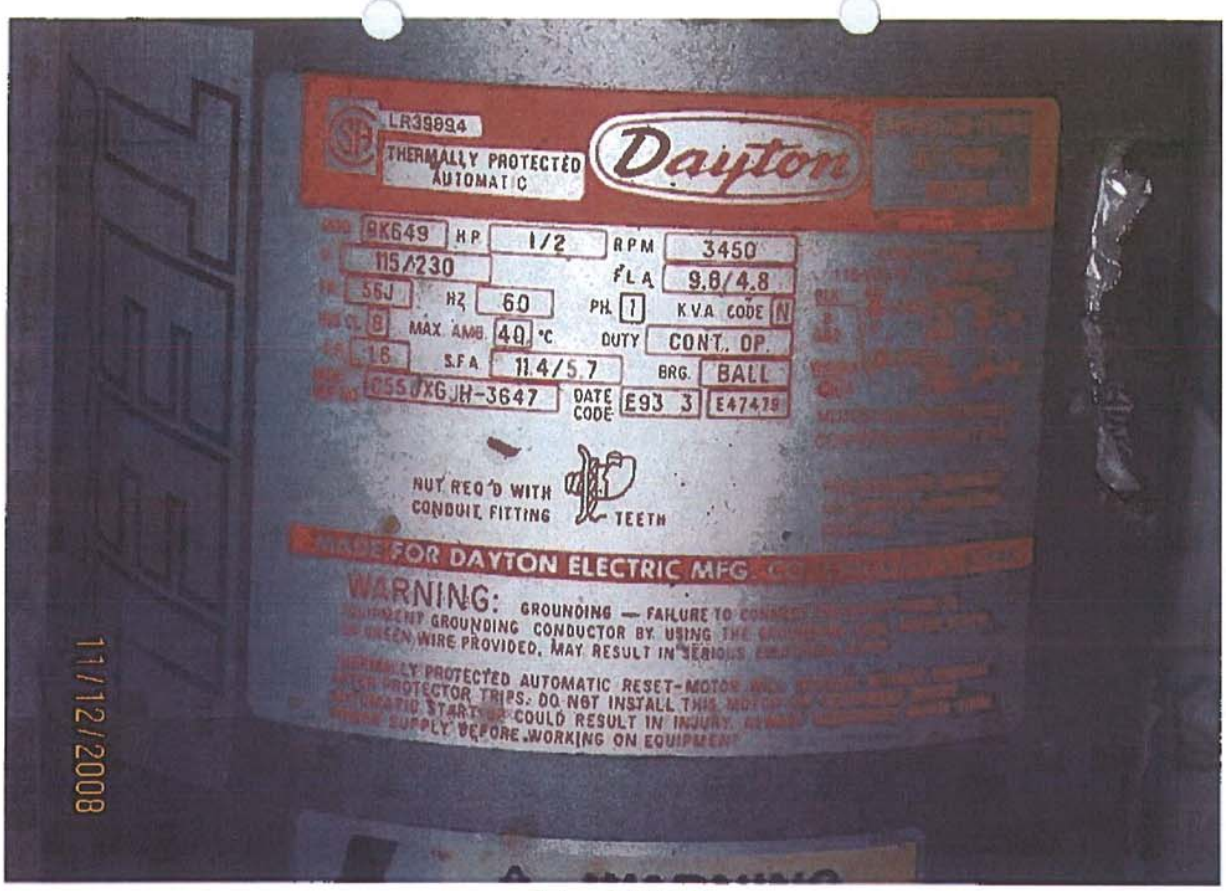
91-7173

EXHIBIT

22

DEPONENT NAME: O. HAWKS

DATE: 5/2/16


LR39894
THERMALLY PROTECTED AUTOMATIC
Dayton
9K649
H.P. 1/2
RPM 3450
115/230
F.L.A. 9.8/4.8
56J
HZ 60
PH. 1
K.V.A. CODE N
CL. B
MAX. AMB. 40 °C
DUTY CONT. OP.
S.F.A. 11.4/5.7
BRG. BALL
055JXGJH-3647
DATE CODE E93 3 E47479
NUT REQ'D WITH CONDUIT FITTING
TEETH
MADE FOR DAYTON ELECTRIC MFG.
WARNING:
GROUNDING — FAILURE TO
GROUNDING CONDUCTOR BY USING THE
WIRE PROVIDED, MAY RESULT IN
THERMALLY PROTECTED AUTOMATIC RESET-MOTOR
PROTECTOR TRIPS. DO NOT INSTALL THIS
AUTOMATIC START-UP COULD RESULT IN INJURY.
POWER SUPPLY BEFORE WORKING ON EQUIPMENT
11/12/2008

91-7173

TEEL
SELF-PRIMING
CENTRIFUGAL
PUMP
INDUSTRIAL
SERIES
MODEL
CODE
11/12/2008

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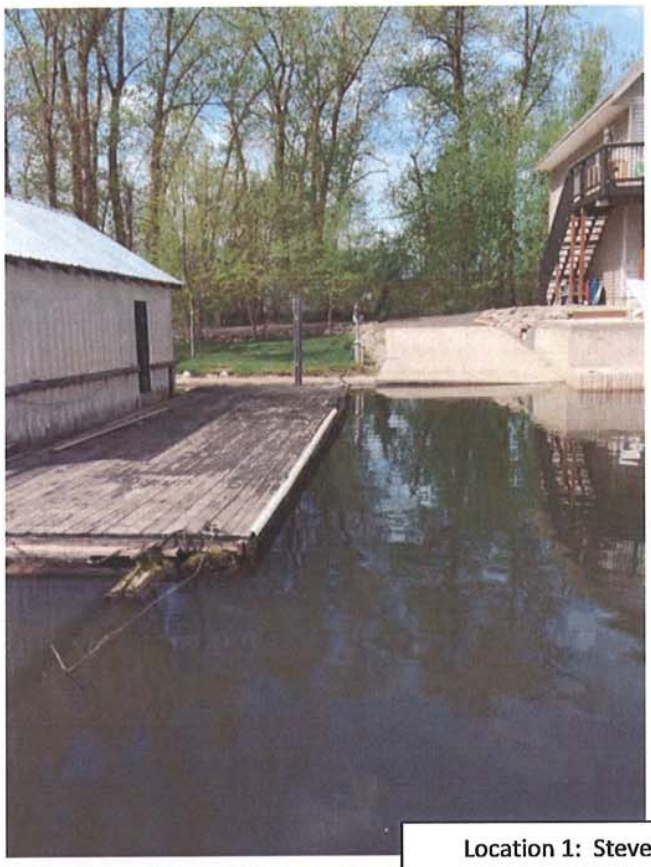

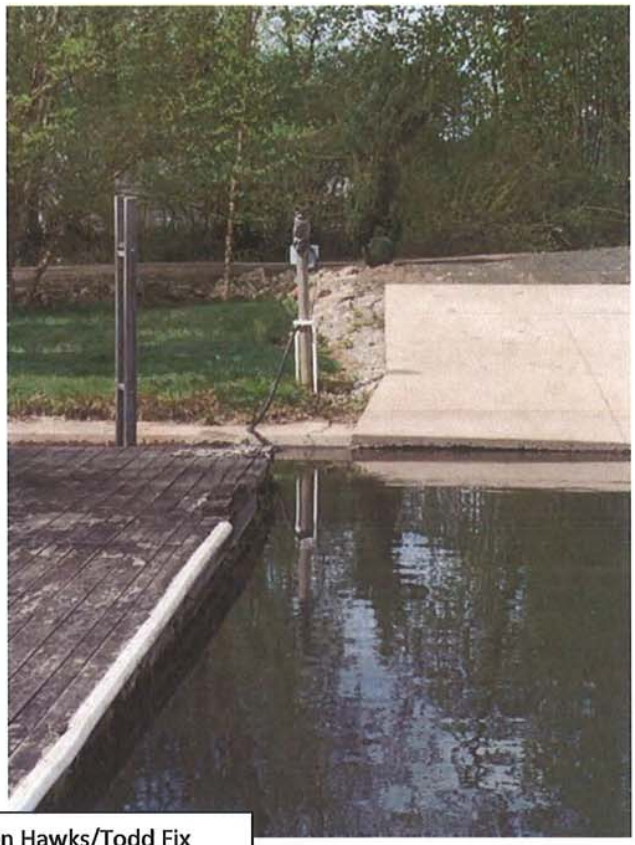

Location 1: Steven Hawks/Todd Fix
WRP005300200130A/JRP00530020005CA

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 91-07173

Priority: June 16, 2008

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that STEVE HAWKS
89231 HWY 3N
ST. MARIES ID 83861 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 2008; and has submitted Proof of Beneficial Use on August 21, 2008. An examination indicates that the works have a diversion capacity of 0.04 cfs of water from:

SOURCE
ST JOE RIVER **Tributary:** COEUR D ALENE LAKE

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:
ST JOE RIVER L7 (NE¼SE¼) Sec. 7, Twp 46N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 7													X L7				

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25th day of November, 2008.

DAVID R. TUTHILL, JR.
Director

EXHIBIT
23
DEPONENT NAME: D. HAWKS
DATE: 5/2/16

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 91-07173

Priority: June 16, 2008 Maximum Diversion Rate: 0.04 CFS

This is to certify, that STEVE HAWKS
89231 HWY 3N
ST. MARIES ID 83861

has applied for a permit to appropriate water from:

Source: ST JOE RIVER **Tributary:** COEUR D ALENE LAKE

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01 to 12/31	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ST JOE RIVER L7 (NE1/4SE1/4) Sec. 7, Twp 46N, Rge 02W, B.M.
BENEWAH County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 7													X				
													L 7				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2009.**
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of August, 2008.

Robert G Hayner /for
DAVID R. TUTHILL, JR., Director

EXHIBIT
24
DEPONENT NAME: D. HAWKS DATE: 5/21/16

 Ident. No. 91-7173

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 02W 7													X L7				

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:
SUMMER RECREATIONAL USE

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Shoc Hawks
6/20/08 Applicant

Received by Dianne/ Date 6/16/08 Time 10:49a Preliminary check by _____
Publication prepared by _____ Date 6/25/08 Published in St Maries Gazette 7/2&9/08
Publication approved _____ Date 7/11/08

Receipt No. N019318
Date: 6/16/08
Receipted by: Dianne

EXHIBIT
25
DEPONENT NAME: D. HAWKS DATE: 5/21/16