

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-14181Date Received: 04/19/2010Receipt No: 202415Received By: Am

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Kelly Chadderdon Phone 208 661 0784Mailing Address P.O. Box 155 COA ID 83814
Street or Box City State Zip2. Date of Priority: (Only one per claim) 03/28/2010 05/01/85 KC.
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 49N, Range 3W, Section 30,
SW 1/4 of NW 1/4, or Govt. Lot 2 BM. County of Kootenai;Parcel (PIN) no. 49 N 03 W 30 S 86 0Additional points of diversion if any: NAIf available, GPS coordinates: NA5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. well 95-85-N-27 well completed 1985connected to 1 home

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 01-01 to 12/31 amount 0.04 cfs (X) or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.04 cfs () or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 1 home

SCANNED
APR 19 2010

9. Location of Place of Use is: Township 49N, Range 3W, Section 3D,
SW 1/4 of NW 1/4, Govt. Lot 2 BM. Parcel (PIN) no. _____
If different than shown in Item 4

for (Check One) Domestic ☒ Stock () Domestic and Stock ()

Additional places of use, if any

NA

10. In which county (ies) are lands listed above as place of use located?

Kootenai

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ☒

13. Remarks:

district court decision limits well connection
to 1 home (see attachment) second home
order disconnected

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

3 K.C. (6 pages)

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

Signature of Claimant (s) Kelly Chadderton Date: 4/19/2010

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title _____ of _____ Organization _____

that I have signed the foregoing document in the space below as

Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Identification No. _____

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APR 19 2010

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Scott W. Reed, ISB#818
Attorney at Law
P. O. Box A
Coeur d'Alene, ID 83816
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FAX (208) 765-5117

STATE OF IDAHO } SS
COUNTY OF KOOTENAI }
FILED

2003 JAN 28 AM 11:06

CLERK DISTRICT COURT

DEPUTY

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

**KEVIN HOYER and AVA
HOYER, husband and wife,**

Plaintiffs,

vs.

**H. DENNIS RAUGUST,
and CHERYL RAUGUST,
husband and wife,**

Defendants.

Case No. CV-01-5343

JUDGMENT

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF

* Scott W. Reed

(2003) FEB -5 A 9:51

DANIEL J. ENGLISH

DEPUTY

FEES 1.5

Trial in this action commenced on September 17, 2002 and concluded on September 19. Thereafter, the parties submitted post-trial briefs. The Court, having fully considered the matter, entered Findings of Fact and Conclusions of Law on December 4, 2002. Based thereon;

JUDGMENT

1

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the boundary line between the real property owned by plaintiffs Kevin Hoyer and Ava Hoyer described as north 50 feet of the south half of Government Lot 3, west of U.S. Highway 95 Alternate, Sec. 30, Twp. 49 North, R. 3 W.B.M., Kootenai County, Idaho and the real property owned by defendants H. Dennis Raugust and Cheryl Raugust described as the south 50 feet of the north 100 feet of Government Lot 3, west of U.S. Highway 95 Alternate, Sec. 30, Twp. 49 North, R. 3. W.B.M., Kootenai County, Idaho is as established by the survey prepared by Michael P. Rhodes, P.L.S. under date of March 5, 2002, admitted in evidence as Plaintiffs' Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs Kevin and Ava Hoyer have permanent ingress and egress for motor vehicle and pedestrian access to their real property as described above to and from U. S. Highway 95 Alternate over and across the real property of Dennis and Cheryl Raugust as described above at the general location set forth in the preliminary injunction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants Dennis and Cheryl Raugust shall entirely remove the fence

JUDGMENT

2

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which they had installed between the two properties from the point of commencement at or near U. S. Highway 95 Alternate westerly and downhill to the post below and west of the stone pathway which would require removing two more sections of fence line as shown in the photograph submitted in evidence as Plaintiffs' Exhibits 11(a) and 11(b) together with all steel fence posts east and uphill from that point.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that within 60 days after surveyor Michael P. Rhodes has staked and marked upon the ground the survey line as depicted in Plaintiffs' Exhibit 1, defendants Dennis and Cheryl Raugust shall cause that fence as located west and below the stone pathway identified above to be located entirely upon the Raugust side of the surveyed line as established upon the ground by the Rhodes survey.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the well, which was subject of dispute related to boundaries, is upon the real property of and belongs to plaintiffs Kevin and Ava Hoyer.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants Dennis and Cheryl Raugust remove all connections which they have made to said well and restore the connections to the conditions as the

JUDGMENT

3

1779767

same existed to the Hoyer house prior to May 1, 2001, such removal and restoration to be completed within 60 days after the entry of this judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiffs Kevin and Ava Hoyer be and they are hereby awarded monetary damages in the amount of \$533.31.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiffs Kevin and Ava Hoyer, being the prevailing parties, be awarded costs to be submitted and approved in the manner provided in Rule 54, I.R.CIV.P.

Entered this 22 day of January, 2003.

Fred M. Gibler

FRED M. GIBLER
DISTRICT JUDGE

STATE OF IDAHO
COUNTY OF KOOTENAI

THIS IS TO CERTIFY THAT THE FOREGOING IS
A TRUE COPY OF THE ORIGINAL NOW ON
FILE OR RECORD IN THIS OFFICE

SEALED ON THIS

DANIEL J. ENGEL
COURT BY

JUDGMENT

4

To: *Shawn Mery*
762-2819

Property address

File View Property Records Administration Improvements Utilities Value Reports Help

49N03W30S860 B108 Parcel has unposted value conclusion Active Locked 534 534- imp res rural tract

PIN Owner Alt-PIN Address

30383 S HIGHWAY 97
RD1: H1

Parcel 0 of 1

LAND: LAND INFORMATION
OCR3
RY08: REVAL
GLB-12/07

1960

Dwelling Information

House type: **11 Low-Peak Style 1950** Occupancy: **Single family - Owner**

Story configuration
☒ Stories: **1.0** Attic: **None**
☐ Split foyer/bi-level Basement: **None**
☐ Split level/tri-level Crawl: **Full**

Extra living units
 Designed: **0**
 Converted: **0**

Quality class/grade: **Fair** Overall condition: **AV**
 Year built: **1960** Pct Complete: **0**
 Effective year: **1975** ☒ Depreciation: **40**
 Year remodeled: **0** ☐ Market RDI: **100**
☐ Sound value ☒ Built-ins ☐

Foundation
 Footings: **Normal for class**
 Walls: **Formed conc**

Roof
 Type: **Flat or Shed**
 Material: **Enamel steel**
 Frame: **Std for class**
 Pitch: **Low 4/12 or less**

Heating: **Electric baseboard**
 Cooling: **None**

Construction detail: **Exterior** **Interior** **Rooms**

Floor	Base Area	Fin Area	Rms	Baths	F	H	BRs
1.0	728	728	3	1	0	1	
Totals	728	728	3	1	0	1	

2-1/2 baths: **0**
 3-1/2 baths: **1**
 4-1/2 baths: **0**
 5-1/2 baths: **0**
 Extra fixtures: **0**
☐ Special plumbing
☐ No plumbing

Save Exit



Owner Additional Elections

AIN: 133376 LRSN: 65989
Parcel Number: 49N03W-30-5860
Appr Dist: 6 TRS:
Incorporation: NONE

Owner Information:

CHADDERON KELLY J
504 E ANNIE AVE
COEUR D'ALENE, ID 83814

Site Address:

30389 S HIGHWAY 97
HARRISON

Legal Description:

N 50' OF TAX

Acres: 0.289