

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 95-13264
Date Received: 02/17/2010
Receipt No: N023583
Received By: Jim

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Virgil S and Dolores A Fernandes Phone (208) 765 3469

Mailing Address 12488 E Yellowstone Tr Coeur d Alene Id ZIP 83814
Street or Box City State

2. Date of Priority (Only one (1) per claim) Jan 1, 1937
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Coeur d Alene Lake
which is tributary to (b) Spokane River

4. a. Location of Point of Diversion is: Township 49N, Range 3W, Section 1
SE, 1/4 of NW, 1/4 Govt. Lot 4, BM., County of Kootenai

Parcel (PIN) no. 49N03W011000

Additional points of diversion if any: _____

If available, GPS Coordinates N47 37.582 W116 40.187

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. 3/4 HP well pump with combination galvanized and poly pipe 1 and
1/2 inch pipe line. small pump house located at GPS coordinates.

SCANNED
FEB 17 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Domestic purposes from January 1 to December 31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic use for one household

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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	3W	1		D															

Parcel (PIN) no(s) 49N03W011000

Total number of acres irrigated 1/2

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 your 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: Property described is commonly referred to as the Old Shady Rest on Old Highway 10.

This property operated as a restaurant and gas station along with some cabin accommodations since the early 1900s until relocated to the new interstate 90 in the early 1950s. It has since then served as a domestic residence

The current water line and pump house were installed by MR Richard Reid in 1937 and has been in continuous use since then (See sworn statement of Mr Thomas Reid, son of Richard Reid, attached)(incl 1)

An easement for a right of way for a water line and pump house granted by the State of Idaho is also attached (incl 2) Topo map is at incl 3

Last Name Fernandes

Identification No. _____

SCANNED
FEB 17 2010

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: 5

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) Vergil A. Luman Date: Feb 17, 2010
Dominic G. Fernandez Date: Feb 17, 2010

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

_____ of _____,
Title Organization

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

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

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 _____ Date _____

Address _____

Last Name Fernandes Identification No. _____

SCANNED
FEB 17 2010

THOMAS R. REID
1144 LAMBERT LANE
COEUR d'ALENE, IDAHO 83814

November 19, 2007

To whom it may Concern:

My name is Thomas Reid. My parents (Richard T. and Nora B. Reid) owned and operated Shady Rest Restaurant and gas station on Old Highway 10 (Yellowstone Trail Road) from 1937 to 1950. The Shady Rest was our home and business. All residential, commercial and irrigation water was drawn from Moonlight Bay located within Wolf Lodge Bay, Lake Coeur d'Alene, Coeur d'Alene, Idaho. Water was drawn from Lake Coeur d'Alene and pumped to a holding tank and then gravity fed back to the Shady Rest.

Thomas R. Reid

Thomas R. Reid

INDIVIDUAL NOTARY

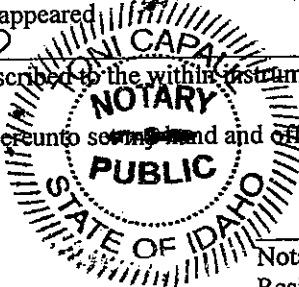
STATE OF IDAHO

County of KOOTENAI

On this 19TH day of NOVEMBER 2007, before me, the undersigned notary public in and for said State, personally appeared

THOMAS R. REID known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me he/she/they executed the same.

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



Notary Public for Idaho
Residing at: COEUR D'ALENE

Incl 1

EASEMENT

919309

Project No. I-90-1(14)21 BOOK 320 PAGE 318
In connection with
Parcel Nos. 2-R & 8
Land situated in Kootenai County

Sheet 1 of 2

KNOW ALL MEN BY THESE PRESENTS, That the STATE OF IDAHO, acting by and through the IDAHO TRANSPORTATION BOARD, for the DIVISION OF HIGHWAYS, 3311 West State Street, Boise, Idaho 83703, Grantor, for and in consideration of the exchange of certain real property and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto BEVERLY FRANK KNAPP and LOIS D. KNAPP, husband and wife, 5110 South Yellowstone, Coeur d'Alene, Idaho 83814, Grantees, and their heirs and assigns, the right to go upon, occupy, and use a portion of Government Lots 2 and 4 of Section 1, Township 49 North, Range 3 West, Boise, Meridian, Kootenai County, Idaho, described as follows, to-wit:

A strip of land 25.0 feet wide adjacent to and on the Northeasterly side of the Right of Way boundary of Interstate 90, Project No. I-90-1(134)21 Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being as shown colored in red on the print marked Exhibit "A" attached hereto and herewith made a part hereof.

FOR THE PURPOSE OF operation and maintenance of a 1½" underground domestic water line and submersable pump in their present location as they exist on the date of execution of this Easement.

THE AFORESAID FACILITY Shall remain in place as constructed or installed for its intended purpose and shall not be removed or relocated without the prior approval of the Grantees or their heirs or assigns.

THE GRANTEES, their heirs or assigns, shall have the right to perform any maintenance they may deem necessary or wish to exercise in connection with the aforesaid facility (including but not restricted thereto, the right to make necessary repairs, alterations, removals or replacements thereof).

TOGETHER WITH The right and privilege of ingress and egress to and from said property for said purposes along the existing road as shown colored in green on the said print marked Exhibit "A" attached hereto.

IT IS EXPRESSLY INTENDED That these burdens and restrictions shall run with the land and shall forever bind the Idaho Transportation Department, Divisions of Highways, its successors or assigns.

Incl 2

EASEMENT
Sheet 2 of 2

Project No. I-90-I(14)21
Parcel No. 2-R & 8

IF AT ANY TIME said property ceases to be used for the afore
said purposes for a period of three (3) years, then and in that
event, this conveyance shall become null and void and of no effect
between the parties hereto or their heirs or assigns.

IN WITNESS WHEREOF, The said Grantor has hereunto executed
these presents on the 20th day of October, 1982.

RECOMMENDED:

[Signature]
Right of Way Supervisor

IDAHO TRANSPORTATION BOARD

[Signature]
Chairman

APPROVED:

[Signature]
State Highway Administrator

[Signature]
Vice Chairman

[Signature]
Member

APPROVED AS TO FORM:

[Signature]
Legal Counsel

ATTEST:

[Signature]
Secretary

9:30 o'clock PM, this 26 day of October, 1982
FOOTENAI COUNTY TITLE

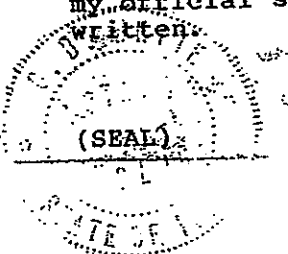
STATE OF IDAHO)
County of Ada) ss.

Notary Public
Auditor-Recorder
Footenai County, Idaho

[Signature]
Fee \$6.00

On this 20th day of October, 1982, before me, the
undersigned, a Notary Public in and for said State, personally
appeared CARL C. MOORE, LLOYD F. BARRON, and ROY I. STROSCHEIN,
known to me to be the Chairman, Vice Chairman, and Member,
respectively, of the Idaho Transportation Board, whose names are
subscribed to the foregoing instrument, and acknowledged to me
that they executed the same as such Idaho Transportation Board.

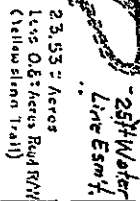
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.



[Signature]
Notary Public for Idaho
Residing at Meridian, Idaho

BLUE CREEK BASIN
COEUR D'ALENE COUNTY

COEUR D'ALENE LAKE
...
27E
...
land Surveyor



RECORD OF SURVEY

- Corgers seat along right flange
 - 3 1/2 in. aluminum disk on 3 1/2 in. aluminum shaft
 - 1/2 in. cap on 1" drill steel
- Scale: 1" = 100'
- ### TABLES OF EFFECTS
- Coordinates shown are Idaho, Maryland and New York.
- Planned based on the Weststar Propagation for the Weststar.
- The C.A.F. is location. All having
- Phonon Area Grid. The Delta Alpha
- is 40.274. To convert to degrees
- bearing, add Delta Alpha to the
- NW and SE bearings and subtract
- all NE and SW bearing.

To see all the details that are visible on the screen, use the "Print" link next to the map.



Town 25th P 49N Range 33 Sect 1

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A. Famous Footwear

B. Golden Corral Buffet & Grill

<http://maps.google.com/maps?t=p&ut...>

 $\frac{1}{2}$

Incl 3



TOWNSHIP 44N Range 3W Sect 1

FERNANDES PIN 49N03W-01-1000

PLACE OF USE

