

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 95-15149Date Received: 9-9-10Receipt No: 1025592Received By: ms

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

RECEIVED

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IDWR/NORTHERN

1. Name of Claimant(s) Sydney and Juliette H. Young Phone (208) 666-1575Mailing Address P.O. Box 490 Post Falls ID Zip 83877-0490
Street or Box City State2. Date of Priority: (Only one per claim) January 1, 1971
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water (X) or Other () (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 50 N, Range 4 W, Section 06,
_____ 1/4 of _____ 1/4, or Govt. Lot 1 BM. County of Kootenai;Parcel (PIN) no. P885000A001A

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. 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 - Static water level 179 ft; pump depth 206 ft; bottom of well 210 ft.Steel wall .25 inches thick (approx.)

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

For domestic purposes from 1/1 to 12/31 amount .04 cfs (X) or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 cfs (X) or AFY ()

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

Stockwater and Number of livestock) Domestic - one building with one restroomSCANNED
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9. Location of Place of Use is: Township 50 N, Range 4 W, Section 06,
NE 1/4 of SW 1/4, Govt. Lot 1 BM. Parcel (PIN) no. P885000A001A
If different than shown in Item 4

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

Additional places of use, if any _____

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 (X) 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 (X)

13. Remarks:

Affidavit of Juliette H. Young; attachments listed as Exhibits A-E

14. Basis of Claim (Check One) Beneficial Use (X) 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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 7

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) Juliette H. Young

Date: 9/7/2010

Date: 9/7/2010

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 YOUNG Identification No. _____

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AFFIDAVIT OF JULIETTE H. YOUNG
SETTING FORTH SUPPLEMENTAL PROOF OF PRIORITY DATE

STATE OF IDAHO)
) ss
County of Kootenai)

JULIETTE H. YOUNG, being first duly sworn, deposes and states:

1. I make this affidavit based on personal knowledge and am competent to testify.
2. I, along with my husband, Sydney H. Young, are the fee simple owners of real property commonly known as 4739 E. Seltice Way, Post Falls, Idaho.
3. This affidavit is prepared in support of the Notice Of Claim To A Water Right, to establish our claim for a date of priority of January 1, 1971, as the date of first beneficial use as provided in Idaho Code §§ 42-111 and 42-1401A(4).
4. Attached hereto as Exhibit "A" is a copy of the real property parcel description of the Assessor for Kootenai County for parcel number P885000A001A, commonly known as 4739 E. Seltice Way, Post Falls, Idaho, with the legal description as:

THOMPSON, E 150'-TR 1 EX RW BLK A URD EAST PF 2002 SECTION 06
TOWNSHIP 50 N RANGE 04 W.
5. Attached hereto as Exhibit "B" is a copy of an Idaho Department of Health, Environmental Improvement Division, Panhandle Health District I, "Individual Sewage Disposal Installation Permit," approving the permit application dated August 18, 1977, for the property located under the description of "Tract 1, Lot 1, Block A (less E. 150') Thompson Tracts, Post Falls," and showing the existence of a well located thereon.
6. Attached hereto as Exhibit "C" is a copy of a "Real Property Valuation Summary" dated March 14, 1976, assessing the value of the subject property with the date 1971 as the date of construction for improvements on the subject property.
7. Attached hereto as Exhibit "D" is a copy of the title conveyance instrument granting vested ownership rights in and to the referenced real property and the private well pursuant to the provisions of the Idaho Administrative Code, as Adopted by the Idaho Water Resource Board Department of Water Resources Well Construction Standards Rules ("IDAPA") §37.03.09(010)(70), passing free and clear of any recorded or known unrecorded encumbrances,

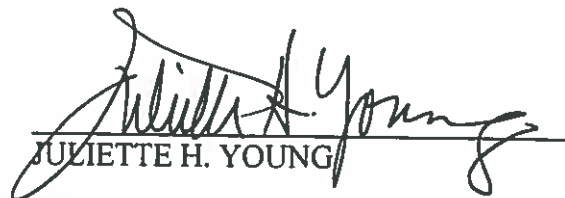
adverse interests held by third party claimants, or any other restriction to or limitation on the acquired rights thereof.

8. Attached hereto as Exhibit "E" is a copy of pages 12 and 13 of a "Summary Appraisal Report of Property Located at 4775 E. Seltice Way, Post Falls, Idaho," completed by appraiser Maily Kress, MAI, at the request of Washington Trust Bank, which contains a description of the subject private well for providing water to the subject property which was not then connected to city sewer and water.

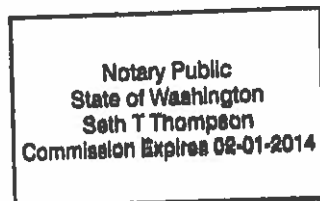
9. Attached hereto as Exhibit "F" is a copy of a service invoice issued by R.C. Worst Co. on August 3, 2010, for labor and equipment used to verify the static water level, pump depth and bottom depth of the subject well.

10. Based upon the foregoing, we respectfully request the use of the priority date of January 1, 1971, as stipulated in and for the Notice Of Claim To A Water Right.

Dated this 7 day of September, 2010.


JULIETTE H. YOUNG

SUBSCRIBED and SWORN TO before me this 7th day of September, 2010.



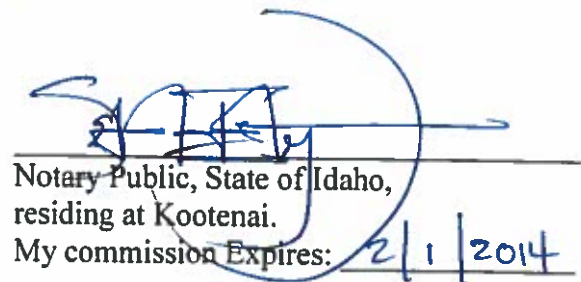

Notary Public, State of Idaho,
residing at Kootenai.
My commission Expires: 2/1/2014

EXHIBIT "A"

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Young, Sydney & Juliette H.

Kootenai County, Idaho

generated on 8/4/2010 1:13:12 PM CDT

Parcel

Parcel Number	AIN	Situs Address
P885000A001A	138506	4739 E SELTICE WAY, POST FALLS

Owner Information

Owner Name	YOUNG SYDNEY H ETUX
Owner Address	PO BOX 430 POST FALLS ID 83877
Transfer Date	07/02/2004

Location / Description

Tax Authority Group	011019	Current Legal Desc.	THOMPSON, E 150'-TR 1 EX RW BLK A URD EAST PF 2002 Section 06 Township 50N Range 04W
Situs Address	4739 E SELTICE WAY, POST FALLS		
Acreage	1.8980		

Parcel Type

Property Class Code	442- Com Imp lot/tract in city
Neighborhood Code	35 POST FALLS-EAST SELTICE

Assessment Information

Appraisal Date	01-01- Current Year - 2010	0	Prior Year - 2009	0	
Market Value Land	\$267,928 Homeowners Eligible Amt Land	\$0	Homeowners Eligible Amt Land	\$0	
Market Value Improvement	\$498,559 Homeowners Eligible Amt Imp	\$0	Homeowners Eligible Amt Imp	\$0	
Total Market Value	\$766,487 Sum Homeowners Eligible Amt	\$0	Sum Homeowners Eligible Amt	\$0	
	Homeowners Exemption Allowed	\$0	Homeowners Exemption Allowed	\$0	
Acreage	1.8980	Total Market Value	\$766,487	Total Market Value	\$887,336
	Homeowners Exemption Allowed	\$0	Homeowners Exemption	\$0	
	Ag/Timber Exemption	\$0	Ag/Timber Exemption	\$0	
	Net Taxable Value	\$766,487	Net Taxable Value	\$887,336	

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EXHIBIT "B"

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PANHANDLE HEALTH DISTRICT I
INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT

PERMIT FEE \$10.00

PERMIT NO. 2061 PAID ☒ CASH ☐ CHECK ☒ NO FEE ☐ DATE August 18, 1977
INSTALLATION FOR (NAME) Husky Truck Stop SIZE OF LOT *see below FT.
TOTAL DESCRIPTION OF PROPERTY Tract 1, Lot 1, Block A (less E. 150') Thompson
Tracts, Post Falls
ADDRESS OF INSTALLATION Old Highway 10, Post Falls
NO. LIVING UNITS 1 BEDROOMS 1 BATHS 1 PEOPLE SERVED 1 OTHER Garage
SEPTIC TANK 1,000 GALS. DISTANCE TO DWELLING FOUNDATION 5' min WELL 100' min WATER LINE 10' min
SURFACE WATER 30-50' min TANK CEMENT ☒ METAL ☐ OTHER ☐
DISPOSAL AREA, DRAINFIELD ☒ ABSORPTION BED ☐ OTHER ☐ DIMENSIONS 1.00 x 3
PERK RATE MIN/IN. SOIL PROFILE
DISTANCE: PROPERTY LINES:
FRONT 5' min FT. BACK 5' min FT. SIDE 5' min FT. DWELLING FOUNDATION 20' min FT.
WELL 100' min FT. SURFACE WATER 300' min FT. SEPTIC TANK FT. NEIGHBOR'S WELL 100' min FT.
DEPTH TO GROUND WATER FT. WELL LOG YES ☐ NO ☐

I UNDERSTAND THAT THIS PERMIT IS NON-TRANSFERABLE AND IS VALID FOR ONLY 90 DAYS FROM THE DATE OF APPLICATION DRAIN FIELD MUST NOT EXCEED 3 FEET IN DEPTH.

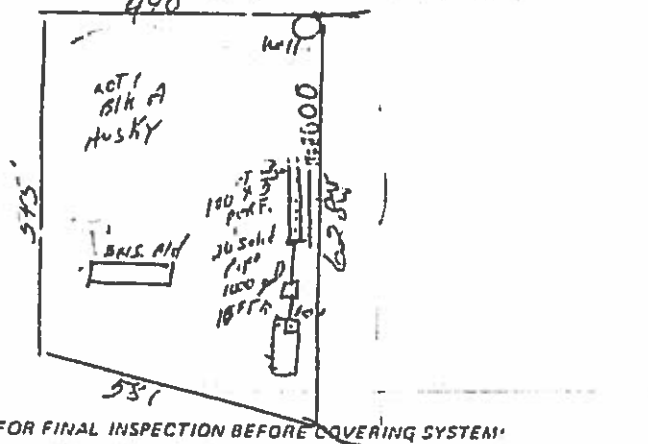
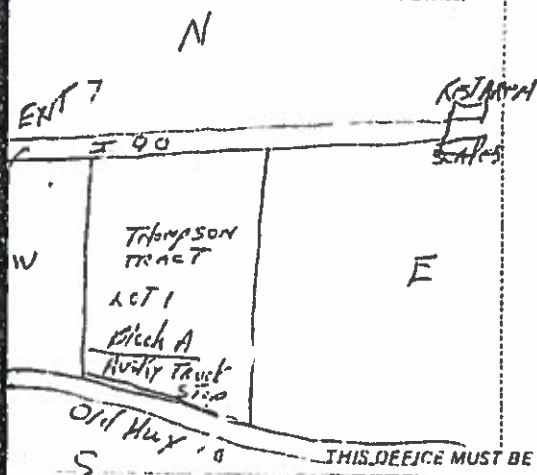
X APPLICANT'S SIGNATURE Ray Langley X APPLICANT IS OWNER ☒ CONTRACTOR ☐ OTHER ☐
X MAILING ADDRESS Rt 13 Box 973, P.F. X PHONE NO. 773-7991
REMARKS

COPY TO: ☐ F.I. HA ☐ F.d. HA ☐ VA ☐ OTHER ☐

PLAN SUBMITTED Date APPROVED Aug 18, 1977 Date DISAPPROVED Date
PERMIT ISSUED BY Anthony Davis REMARKS Inside Post Falls City Limits

VICINITY MAP
(Show How To Get There From This Office)

PLOT PLAN
(Show House, Other Buildings, Proposed Sewage Layout, Wells, Water Lines, Roads, Streams, Lakes and Distances Between)



THIS OFFICE MUST BE NOTIFIED FOR FINAL INSPECTION BEFORE COVERING SYSTEM

INSPECTION SYSTEM COVERED APPROVED NOT APPROVED
DIRECTED BY Name INSTALLED BY Name DATE

REMARKS

REFERENCE: RULES AND REGULATIONS FOR INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS
Idaho Department of Health, Environmental Improvement Division, August 1971

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EXHIBIT "C"

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EXHIBIT "D"

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668448

BOOK 270 PAGE 581

WARRANTY DEED

FOR VALUE RECEIVED, SIGURD JACOBSEN and LAVINA F. JACOBSEN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto THOMAS TUTTLE and BETTY ANN TUTTLE, husband and wife, the Grantees, the following described premises, in Kootenai County, Idaho, to-wit:

The East 150 feet of Lot 1, Block "A" of Townsite or subdivision of Thompson, which is a part of Section 6, Township 50 North Range 4 W.B.M., according to the official plat of said townsite or subdivision of Thompson which was filed in the office of the County Recorder, Kootenai County, Idaho, on August 7, 1906.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises: that they are free and clear of all encumbrances except existing easements and rights-of-way of record and in view and the taxes and assessments for the year 1964, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 15th day of June, A. D., 1964.

Sigurd Jacobsen
Sigurd Jacobsen

By Lavina F. Jacobsen
Lavina F. Jacobsen, his attorney in fact

Lavina F. Jacobsen
Lavina F. Jacobsen

Read and recorded at the request of Mrs. Thomas Tuttle
at 10:45 o'clock a M. this 15 day of June, 1964

By: Nancy Hest
Deputy

Carol Dair
Ex-Officio
Kootenai County
Return to Box 211

Fee \$ 2.00

Post Fall, Ida.

Young, Sydney & Juliette H.

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STATE OF IDAHO :
County of Kootenai : ss

On this 15th day of June, A. D., 1964, before me, the undersigned Notary Public, personally appeared LaVINA F. JACOBSEN, known to me to be the person whose name is subscribed to the within instrument as attorney in fact of SIGURD JACOBSEN, and acknowledged to me that she subscribed the name of SIGURD JACOBSEN thereto as principal, and her own name as attorney in fact.

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


James F. Anderson
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission Expires 11-2-65

STATE OF IDAHO :
County of Kootenai : ss

On this 15th day of June, A. D., 1964, before me, the undersigned Notary Public, personally appeared LaVINA F. JACOBSEN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

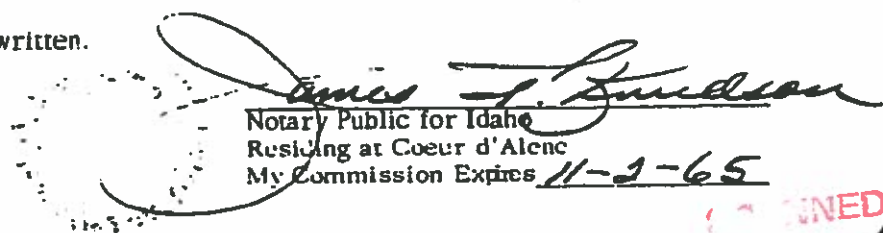

James F. Anderson
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission Expires 11-2-65

EXHIBIT "E"

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Young, Sydney & Juliette H.

PROPERTY DESCRIPTION

The subject of this appraisal report is a steel frame warehouse located at 4775 E. Seltice Way, Post Falls, Idaho. The building contains 8,750 sf; 1,380 sf represents the finished parts/office sector, 7,370 sf is warehousing. The building is located on a 1.898± acre parcel. The property is currently owned by Eldred Hughes, et al and occupied by John Nichols doing business as Nichols Truck and Equipment Repair, Inc.

The property is legally described by the Kootenai County Assessor's office as:

Thompson Addition, the east 150' of Tract 1, except Right-of-Way, Block A, located in Section 6, Township 50 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho.

The property is owned by Eldred Hughes, et al. 34.71% of the ownership is vested in the name of Carol, John H., Jennifer and John W. Nichols; the remaining ownership belongs to Eldred E. and Mary Hughes. The property was purchased by the current owners in June of 1988 for a reported sale price of \$124,000. The property has been listed with MLS since February, 1997 at an asking price of \$450,000. There is a pending offer to purchase the property for \$425,000. There have been no sales of the subject property in the five-year period preceding the date of appraisal.

Site Description

The subject site is a rectangular shaped parcel that contains 150' of frontage along Seltice Way and a maximum depth of 606'. The site slopes upward from Seltice Way to the north property boundary along the Interstate 90 right-of-way. A major portion of the site has been excavated and leveled. The site does have exposure from I-90 and is located approximately one mile east of the I-90/Highway 41 interchange. According to County records, this site contains 1.898 acres or 82,694 sf. Available utilities include telephone, electricity, natural gas, city sewer and water service. City sewer and water are located along Seltice Way. The subject property is not connected to city sewer and water. Sewage disposal utilizes a septic drainfield system, and a

private well provides water. There is an existing LID assessment in the amount of \$1,928, with seven annual payments remaining for city sewer and water.

According to FEMA Map #160076 0160C, dated March 1, 1982, the subject property is not located within a flood zone. I have not been provided with an environmental assessment on the property, however I have been informed that a Level One Environmental study has been completed and the property is void of hazardous or toxic wastes. This is of particular concern to the subject property due to the waste oil generated by the truck repair business. The waste oil is burned as fuel to heat the warehouse.

Description of Improvements

The subject building was constructed in 1975. This is an all steel building with exterior walls that extend to a height of 16'. The building measures 70' x 125', or 8,730 sf, and is accessed by five overhead doors. The open warehouse is fully insulated and heated with recycled waste oil fuel. The property owner has informed me that he will remove and transfer the heat system when he vacates the premises. The warehouse contains fluorescent lighting, 3-phase power, concrete slab flooring, and a small storage room, which appears to have been originally constructed as an office. The warehouse sector contains approximately 7,370 sf.

The northeast corner of the building contains partitioned office and parts storage. The interior finish is considered to be low cost. The main reception area has an exposed concrete floor, walls and ceilings are tongue and groove paneling and finished sheetrock. In addition to a wood stove, there is electric baseboard heating. Access to the reception area is via a pedestrian door from the exterior of the building, as well as from the interior of the warehouse. There are also aluminum sliding windows with security bars. The reception area and parts room are interconnected to the main restroom on the lower level. There is also mezzanine office located over the parts sector. This area is partitioned into two offices, including a full bath. The flooring is carpet which needs to be replaced. Walls and ceilings are finished with sheetrock. The office and reception area encompasses approximately 930 sf. The parts sector measures 15' x 30' for 450 sf. The finished area comprises 1,380 sf or 16% of the footprint area.

Location Map

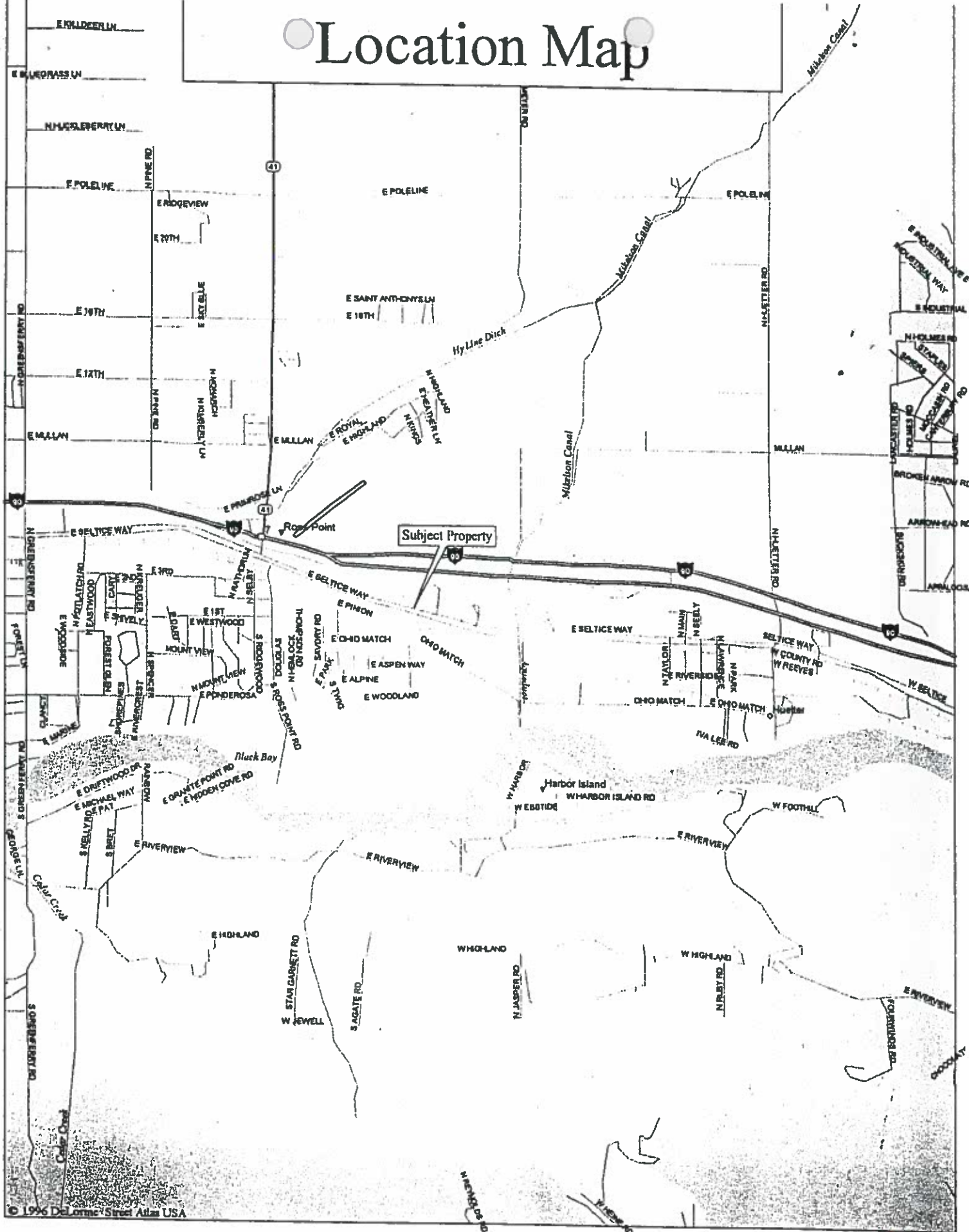


EXHIBIT "F"

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Young, Sydney & Juliette H.



SERVICE INVOICE

625 Best Ave, Coeur d'Alene ID 83814
Phone: 208.664.2133 Fax: 208.667.8775
www.rcworst.com

Invoice No.: 212975
Invoice Date: 08/03/2010
Due Date: 09/02/2010
Custom No.: C107348
Job No.: 6852

Bill To:

Stan Craft Boat Co
Rob Bloem PO Box 430
Post Falls, ID 83877

Job Location:

Job Site
4739 E Seltice Way
Post Falls ID 83854

Stan Craft Boat Co -1T074- Check static water level

Item No.	Description	UOM	Qty	Price	Amount
L710.LR	Labor Job Order - Regular - Patrick Gooch	HR	1.25	\$80.00	\$100.00
EU.JO-FUELSC	EQUIPMENT USED - ON JOB ORDERS	MI	14.00	\$0.60	\$8.40
**					

Ref T/S 06063 Patrick Gooch Wednesday 7-28-10

Labor to verify static is 179 feet, pump depth is 206 feet and bottom of the well is 210 feet.



Thank you for choosing R.C. Worst & Company Inc. for your Water and Wastewater needs A finance charge of 1.5% per month, with a minimum of \$0.50 will be applied against unpaid balances 30 days after invoice due date.	Subtotal:	\$108.40
	Sales Tax:	\$0.00
	Total:	\$108.40

C107348 212975

R.C. Worst & Company Inc.

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1 of 1

Young, Sydney & Juliette H.

**LAW OFFICES
OF
MARIS BALTINS, P.S.**

Attorneys at Law
7 South Howard, Suite 220
Spokane, Washington 99201
Telephone: 509-444-3336
Facsimile: 509-444-3335

September 8, 2010

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SEP - 9 2010

IDWR/NORTHERN

Idaho Department of Water Resources
Northern Region Office
7600 Mineral Dr. Ste. 100
Coeur d'Alene, ID 83815-7763

Re: The General Adjudication of Rights to the Use of Water from the Coeur d'Alene-Spokane River Basin Water System

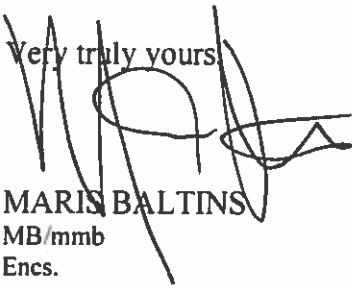
Dear Sir/Madam:

Enclosed for filing are the following original documents plus a check in the amount of \$25.00 regarding the above-referenced matter:

1. Notice of Claim to a Water Right Acquired Under state Law For Domestic and/or Stockwater Purposes completed and signed, by and for claimants Sydney and Juliette H. Young; and
2. Affidavit of Juliette H. Young Setting Forth Supplemental Proof of Priority Date together with attachments listed as Exhibits A- F.

Please call if you have any questions.

Very truly yours,


MARIS BALTINS
MB/mmb
Encs.

cc: Sydney and Juliette Young

Attorney
Maris Baltins
Admitted in Washington, Maryland & District of Columbia

Paralegals
Seth Thompson
John F. Gunn

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