Form No. 42-1409-2 (Internet 11/08)

# 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**

RECEIVED

JUN - 2 2010

IDWR / NORTH

**CIVIL CASE NUMBER: 49576**
Ident. Number 95-15729
Date Received: 6-2-10
Receipt No: N024666
Received By: [illegible]

## 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) Harry F. and Colleen B. Magnuson Phone (208) 667-0100

Mailing Address P.O. Box 2350 (Street or Box) Coeur d'Alene, (City) ID. (State) Zip 83816

2. Date of Priority: (Only one per claim) 12/1/1905 (Month/Day/Year (YYYY))

3. Source of water supply (Check one) Ground Water ( ) or Other (X) (a) Lake Coeur d'Alene

which is tributary to (b) N/A

4. Location of Point of Diversion is: Township 50 N, Range 04 W, Section 26,

— 1/4 of — 1/4, or Govt. Lot 3 BM. County of Kootenai;

Parcel (PIN) no. 0772000G000 (Tax ID No. 137892) (legal description is attached).

Additional points of diversion if any: —

If available, GPS coordinates: N/A

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.

Please see attached.

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

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

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 cfs 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 use for two seasonal households and irrigation for 4.76 acres of landscaped area.

SCANNED
JUN - 2 2010

9. Location of Place of Use is: Township 50N, Range 04W, Section 26,
— 1/4 of — 1/4, Govt. Lot 3 BM. Parcel (PIN) no. 0772000G000
If different than shown in Item 4
for (Check One) **Domestic** (X) **Stock** ( ) **Domestic and Stock** ( )
Additional places of use, if any N/A

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:

_____

_____

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: Three (3)

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) John F Magnuson Date: 6-2-10

Attorney in Fact 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 forgoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:
Notice is hereby given that I, John F. Magnuson, 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 John F Magnuson

Address P.O. Box 2350 Coeur d'Alene, ID.

Date 6/2/10 Last Name Magnuson ISBA No: Identification No. 4270

SCANNED

JUN - 2 2010

**ADDENDUM TO "NOTICE OF CLAIM TO A WATER RIGHT"**

**FILED ON BEHALF OF HARRY F. AND COLLEEN B. MAGNUSON**

**PARCEL NO. 0772000G000**

| ADDENDUM NO. | DESCRIPTION |
|---|---|
| 1 | Narrative Response to Question #5. |
| 2 | Tax map of the subject property with appropriations noted. |
| 3 | Legal description from Kootenai County Assessor. |



SCANNED
JUN - 2 2010

**NARRATIVE RESPONSE TO ITEM #5**

**"NOTICE OF CLAIM TO A WATER RIGHT"**

**FILED ON BEHALF OF HARRY F. AND COLLEEN B. MAGNUSON**

**PARCEL 0772000G000**

Question No. 5 asks for a description of the diverting works. Attached as Addendum #2 is a map of the subject property. At the eastern edge of the property, along the shore of Casco Bay, Lake Coeur d'Alene, are shown "Submersible #1 and Submersible #2." These two pumps represent extensions of prior water withdrawal mechanisms that have been in place at the subject property since first improved as early as December of 1905. "Submersible #1 is a Submersible pump with three-quarters horsepower that can withdraw sixteen (16) gallons per minute. This is withdrawn for domestic use for a main home and a caretaker's cottage adjacent to the home. Submersible #2 is a five (5) horsepower pump that can withdraw sixty-eight (68) gallons per minute for use in irrigating 4.76 acres of landscaped area.

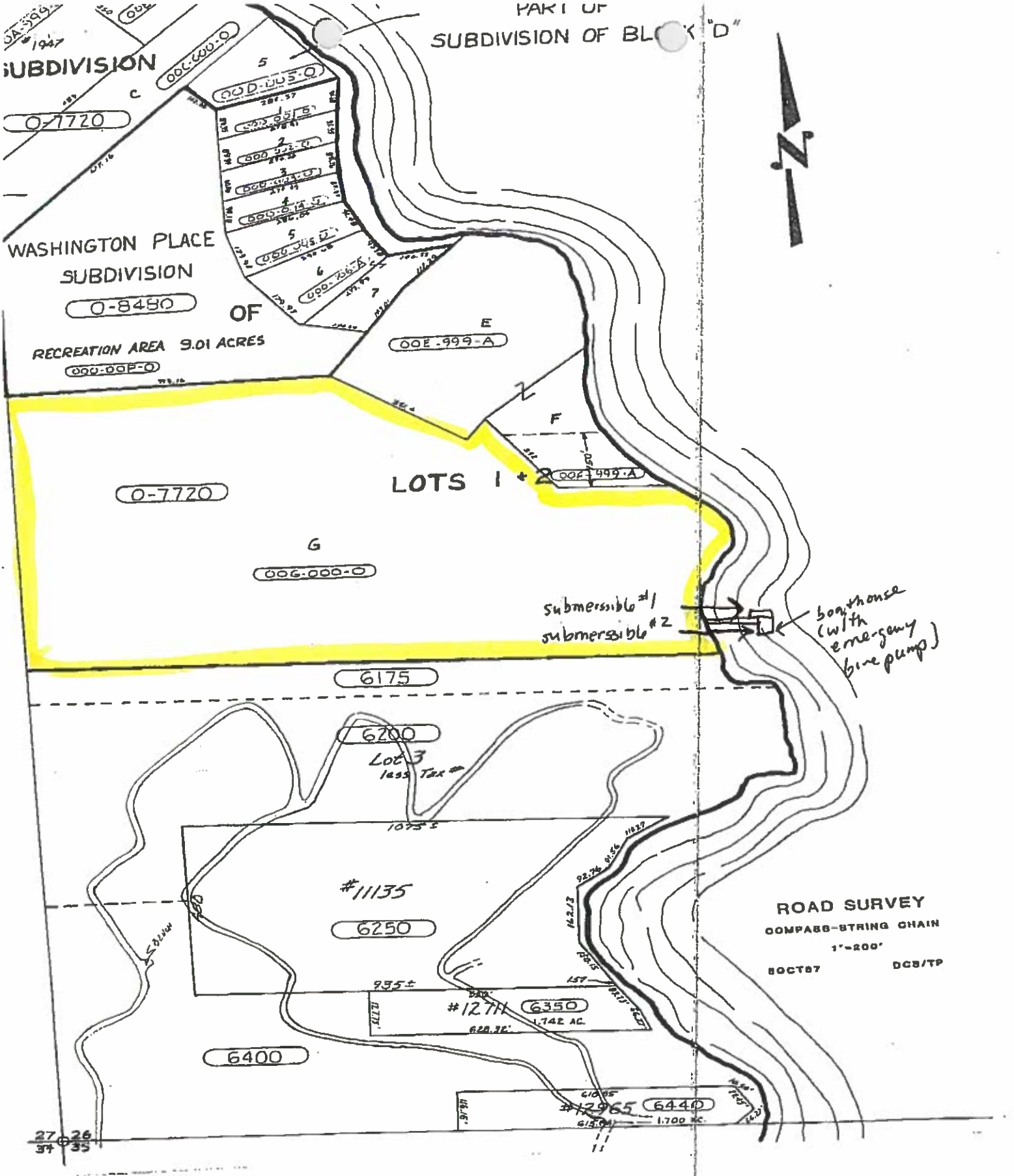
There is a third system, which has been located in a boat house appurtenant to the property since the summer of 1968, which consists of a pump (above water) with a five or six foot pipe into the water that is used solely for fire suppression purposes (and has been so used). There is no draw of water through this mechanism absent an emergency in the form of a fire.

MAGNUSON-WATER.ADD.wpd



SCANNED

JUN - 2 2010




ADDENDUM #2

SCANNED
JUN - 2 2010

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.
The archive dates for these revisions are posted within the ARCHIVE REVISIONS box in the drawing title block

**12/08/00 – SLW**
Ptn of 0-7720-00A-999-D combined w/ 999-C (01)
0-7720-00A-999-D redescribed as Tax #18832 (01)

**06/16/04 – SLW**
0-8480-000-007-0 out of 008-A (now -0) (05)

**12/12/06 – SLM**
Ptn of 0-8480-000-001-0 combined w/ 0-7720-000-005-0 (both now -A) (07)

**10/18/07 – ET**
Ptn of 50N04W-35-0790 combined w/ 26-8610 mysed in 2001; 50N04W-26-8610 redescribed as Tax #21835 (08)

**10/29/07 – ET**
50N04W-26-8960 out of 8950 (08)

**08/03/09 – ET**
Ptn of 0-7720-000-005-A combined w/ 0-8480-000-001-A (10)

SCANNED
JUN - 2 201

# Sec.26 Twp. 50 N. R.4 W.B.M.

50N04W-26

This drawing is to be used for reference purposes only, and the County is not responsible for any inaccuracies herein contained

N
W E
S

KOOTENAI COUNTY
IDAHO

### ARCHIVE REVISIONS

| INITIALS | ACTIVITY | DATE |
|---|---|---|
| tm | Corrections | 06-06-08 |
| tm | BS CONVERSION | 04-15-07 |

IMAGE FILE: 1406 USED
REFERENCE FILE: \50N04W.DWG — 06-06-08

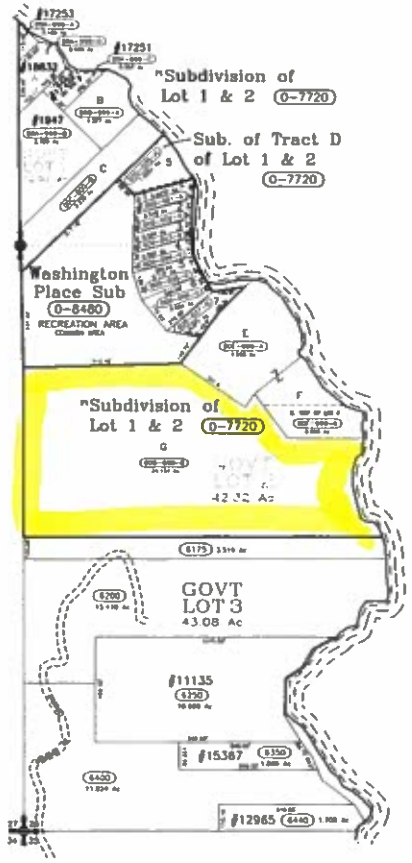
### NOTES

All lots or parcels with gross acreage and assessors acres computed by traverse closure to other parcels and subdivisions by the most accurate means possible with the given information (i.e. angle measured by width, triangulation, photogrammetric scaling from existing maps, and occasionally geometrical averaging where old and superseded right-of-way where applicable, has been released. Distances and are lengths less than 50' may not be shown due to space limitations. Dimensions or proportionate distance record and/or platted lot line dimensions.

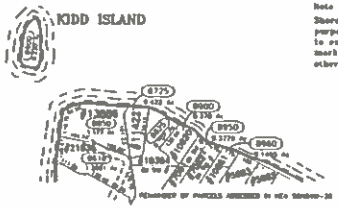
LOCATION OF ROADS SHOWN AND SHOWN ON ASSESSABLE ROAD INFORMATION AND ARE NOT MAY BE PUBLIC.

Records of Survey used

DATE — DESCRIPTION




LAKE COEUR D'ALENE




Note
Shoreline depiction for illustrative purposes only, property lines assumed to extend to ordinary mean high water mark for assessment purposes unless otherwise noted

SCALE: 1 INCH = 400 FEET

FILENAME: 504W26(extension)

Sec.26 Twp.50N. R.4W.B.M.

# Kootenai County, Idaho

*generated on 6/1/2010 9:12:35 PM CDT*

## Parcel

| Parcel Number | AIN | Situs Address |
|---|---|---|
| 0772000G0000 | 137892 | , |

### Owner Information

| | |
|---|---|
| **Owner Name** | MAGNUSON H F |
| **Owner Address** | PO BOX 469<br>WALLACE ID 83873 |
| **Transfer Date** | |

### Location / Description

| | | | |
|---|---|---|---|
| **Tax Authority Group** | 249000 | **Legal Desc.** | SUB-DIV LT 1,2, SEC 26-50-4W, ALL OF BLK G 26 50N 04W |
| **Situs Address** | , | | |
| **Acreage** | 24.1500 | | |

### Parcel Type

| | |
|---|---|
| **Property Class Code** | 537- Imp res rural sub |
| **Neighborhood Code** | 5004 SUB-DIV LT 1&2 |

### Assessment Information

| | | | | | |
|---|---|---|---|---|---|
| **Appraisal Date** | 01-01-2010 | **Current Year - 2010** | 0 | **Prior Year - 2009** | 0 |
| **Market Value Land** | $3,160,193 | **Homeowners Eligible Amt Land** | $0 | **Homeowners Eligible Amt Land** | $0 |
| **Market Value Improvement** | $183,765 | **Homeowners Eligible Amt Imp** | $0 | **Homeowners Eligible Amt Imp** | $0 |
| **Total Market Value** | $3,343,958 | **Sum Homeowners Eligible Amt** | $0 | **Sum Homeowners Eligible Amt** | $0 |
| | | **Homeowners Exemption Allowed** | $0 | **Homeowners Exemption Allowed** | $0 |
| **Acreage** | 24.1500 | **Total Market Value** | $3,343,958 | **Total Market Value** | $3,706,079 |
| **Front Feet** | 525.0000 | **Homeowners Exemption Allowed** | $0 | **Homeowners Exemption** | $0 |
| | | **Ag/Timber Exemption** | $235,915 | **Ag/Timber Exemption** | $262,096 |
| | | **Net Taxable Value** | $3,108,043 | **Net Taxable Value** | $3,443,983 |

SCANNED
JUN - 2 2010

ADDENDUM #3

JOHN F. MAGNUSON
ATTORNEY AT LAW

ADMITTED IN IDAHO AND WASHINGTON

TELEPHONE
208•667•0100

FAX
208•667•0500

P.O. BOX 2350
1250 NORTHWOOD CENTER COURT
SUITE A
COEUR D'ALENE
IDAHO 83816

June 2, 2010

State of Idaho
Department of Water Resources
Northern Region
7600 N. Mineral Drive, Ste. 100
Coeur d'Alene, ID 83815

VIA HAND DELIVERY

RECEIVED
JUN - 2 2010
IDWR / NORTH

Re: "Notice of Claim to a Water Right" Harry F. and Colleen B. Magnuson
(Parcel No. 0772000G000)

Dear Sir or Madam:

Enclosed you will find a completed "Notice of Claim to a Water Right" submitted on behalf of Harry F. and Colleen B. Magnuson with respect to Parcel No. 0772000G000 (aka Tax No. 137892).

I am enclosing a check in the amount of $55.00, made payable to the Idaho Department of Water Resources, which is calculated as $50.00 for the flat fee for acres under cultivation/landscaping, plus $1.00 for each acre. This application involves 4.76 acres that are landscaped and improved.

I also enclose an extra copy (so marked) of the Notice of Claim. I would appreciate it if you would conform the same and return it to me in the envelope provided.

If you have any questions, please feel free to give me a call at 667-0100. I appreciate your assistance.

Sincerely,

John F. Magnuson

JFM/js
Encls.
cc: Clients (w/encls.)
IDWR-MAGNUSON.LTR wpd

SCANNED
JUN - 2 2010