

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

CIVIL CASE NUMBER: 49576

Ident. Number 95-15729Date Received: 6-2-10Receipt No: N024666Received By: LM

JUN - 2 2010

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

IDWR / NORTH

1. Name of Claimant(s) Harry and Colleen B. Magnuson Phone (208) 667-0100Mailing Address P.O. Box 2350 Coeur d'Alene, ID. Zip 83816
Street or Box City State2. 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/A4. 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 1/1 to 12/31 amount .04 cfs
Month/Day Month/Day 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.

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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. 07720004000
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

_____ 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, 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: 4270
Identification No.

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

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

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

5A-399-
1947

SUBDIVISION

PART OF
SUBDIVISION OF BLOCK "D"



WASHINGTON PLACE
SUBDIVISION

O-8480

OF
RECREATION AREA 9.01 ACRES

000-000-0

O-7720

LOTS 1 & 2

submersible #1
submersible #2

boathouse
(with
emergency
bire pump)

6175

6200

Lot 3
less Tax

#11135

6250

6400

#12711 6350
1.742 AC

#12965 6440
1.700 AC

ROAD SURVEY
COMPASS-STRING CHAIN
1"=200'
NOCT87 DCB/TP

SECRETATION REVISIONS

The revision dates below represent the date some dates for the listing of the listed revisions. The archive dates for these revisions are listed after the PROJECT REVISIONS box in the drawing file book.

- 12/09/00 - SLW
Pis of 0-7720-000-999-D combined w/ 999-C (01)
0-7720-000-999-D redacted as for #18332 (01)
- 06/18/04 - SLW
0-8480-000-007-D out of 008-A (new -0) (05)
- 12/12/08 - SLW
Pis of 0-8480-000-001-D combined w/ 0-7720-000-005-D
(both new -A) (07)
- 10/18/07 - ET
Pis of 506018-35-0190 combined w/ 78-8810 merged in 2001;
506018-28-05-05 redacted as for #21633 (08)
- 10/29/07 - ET
506018-26-8960 out of 8950 (08)
- 06/03/09 - ET
Pis of 0-7720-000-005-A combined w/ 0-8480-000-001-A (10)

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

50N04W-26

THIS DRAWING IS TO BE USED FOR THE ARCHITECTURAL PURPOSES ONLY. THE USER OF THIS DRAWING IS RESPONSIBLE FOR THE ACCURACY OF THE DATA AND THE RESULTS OF THE ANALYSIS.	
N W E S	
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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 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- Current Year - 2010 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:

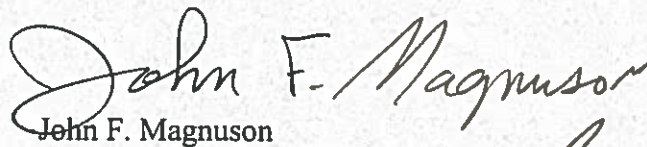
Enclosed you will find a completed "Notice of Claim to a Water Right" submitted on behalf of Harry F. and Colleen B. Magnuson with respect to Parcel No. 0772000G000 (aka Tax No. 137892).

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