

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 95-12162

Date Received: 7/15/09

Receipt No: 2021316

Received By: [Signature]

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) Patricia Wernli and or Adam Smith Phone (208) 683-3011

Mailing Address 33525 Sheep Springs Road Zip 83801
Street or Box City State

2. Date of Priority: (Only one per claim) Oct 2001
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 S3N, Range 3W, Section 5,
NE 1/4 of SE 1/4, or Govt. Lot _____ BM. County of Kootenai;
Parcel (PIN) no. _____

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.

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 .04
Month/Day Month/Day cfs () or AFY ()

For Stock purposes from 01-01 to 12-31 amount .02

7. Total Quantity claimed .06 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 2-horses

SCANNED

JUL 15 2009

9. Location of Place of Use is: Township 53N, Range 3W, Section 5

NW 1/4 of SE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. -7800

for (Check One) Domestic () Stock () Domestic and Stock (☒) If different than shown in Item 4

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 (☒) 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:

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: 1

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) Patricia Wernli Date: 6-15-09

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, _____, 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. _____

SCANNED

JUL 15 2009

COPY

DEED OF INTEREST IN WELL

Deed made this 10th day of August 2001, between Dan Butts of Kootenai County, Idaho, here referred to as Grantor, and Patricia Wernli, of: 30590 Alice Court, Athol, Kootenai County, Idaho here referred to as Grantee.

RECITALS

A. Grantor is owner of tract of land described as follows:

West half of Northwest quarter of the Southeast quarter of the Southeast quarter, Section 5, Township North, Range 3 W. B. M. Kootenai County, State of Idaho.

This property is known as: 32300 Sheep Springs Road, Athol, Idaho 83801.

B. Grantee is owner of a tract of land described as follows:

The East half of the East half of the Northwest Quarter of the Southeast Quarter of Section 5, Township 53 North, Range 3 W.B.M., Kootenai County, Idaho EXCEPT that portion convey to the Spokane International Railway Company by Deed recorded April 18, 1906 in book 18 of the Deeds at page 152. Kootenai County records, also the right of way for road and utilities purpose over, under and across the North 30 feet of the East half of the Southwest quarter of the Southeast quarter of said Section 5 and over, under across a 60 foot stripe of land, the centerline of which is described as follows:

BEGINNING at the southwest corner at the first above described parcel; thence

West to the southwest corner of the Northwest quarter of the Southeast quarter of said section 5; thence

South along the North-South mid-section line of said Section 5, to the South quarter of said section 5, the point of termination of this line.

Said right of way is for the benefit of and appurtenant to the property described herein and shall inure to the benefit of and may be used by all