

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 95-13041

Date Received: 11/2/10

Receipt No: N023339

Received By: Jan

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Fosseen Family Partnership Phone (509) 710-7501

Mailing Address 44 E High Drive Spokane WA ZIP 99203

2. Date of Priority (Only one (1) per claim) July 1966

3. Source of water supply (Check one) Ground Water () or Other (X) (a) Spokane River
which is tributary to (b) Columbia River

4. a. Location of Point of Diversion is: Township 50N, Range 5W, Section 11
NE 1/4 of NW 1/4 Govt. Lot 5, BM., County of Kootenai

Parcel (PIN) no. 03080000038A

Additional points of diversion if any:

If available, GPS Coordinates

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

Township, Range, Section, 1/4 of

Govt. Lot, BM., County of

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

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.

Pumping from River

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.05 or 4.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) 4.5 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) NONE

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	
<u>SON</u>	<u>SW</u>	<u>11</u>					<u>1.5</u>												<u>1.5</u>

Parcel (PIN) no(s) 03080000038A, 030800000370 Total number of acres irrigated 1.5
2750, 2895

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:

To the best of our knowledge the water was
diverted from the river during the mid sixties. See
attached letter.

Last Name _____ Identification No. _____

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: 4

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) _____ Date: _____

_____ Date: _____

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

MANAGING PARTNER of FOSSEEN Family Partnership,
Title Organization

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

MANAGING PARTNER of FOSSEEN Family Partnership,
Title Organization

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

Signature of Authorized Agent Walter Fosseen Date 1-11-2010

Title and Organization MANAGING PARTNER FOSSEEN Family Partnership

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 _____ Identification No. _____



This property was purchased July 20th, 1964 (see attached Statutory Warranty Deed) by Neal R. and Helen W. Fossean and is now in the name of Fossean Family Partnership.

There is an attached Notarized letter from Helen W. Fossean stating when the water was diverted from the Spokane River.

Statutory Warranty Deed

THE GRANTORS STAN MORRIS and LUCILLE MORRIS, whose name also appears of record as Lucille M. Morris, husband and wife,

for and in consideration of \$1.00 and other valuable considerations,

in hand paid, conveys and warrants to NEAL R. FOSSEEN AND HELEN W. FOSSEEN,

the following described real estate, situated in the County of KOOTENAI, State of Washington, Idaho:

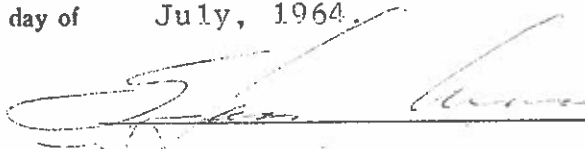
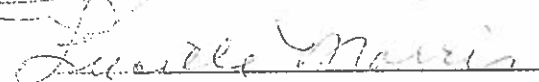
Parcel No. 1: Lot 39 and the Easterly $\frac{1}{2}$ of Lot 40, more particularly described as follows, to-wit: Beginning at the North common corner of Lots 39 and 40, thence South $5^{\circ}04'$ East 131.81 feet; thence South $78^{\circ}45'$ West 50 feet; thence in a Northerly direction to the mid-point of the Northern boundary of Lot 40, which point bears South $78^{\circ}15'$ West from the point of beginning and 55 feet distant therefrom; thence easterly along the northerly boundary line of said Lot 40, to the point of beginning, of GREEN FERRY BAY, Kootenai County, Idaho, according to the plat recorded in Book D of Plats page 108.

Parcel No. 2: That part of Lot 5, Section 11 Township 50 North, Range 5 West of the Boise Meridian, Kootenai County, State of Idaho, described as follows: Beginning at the most southwesterly corner of Lot 43 of GREEN FERRY BAY, Kootenai County, Idaho, according to the plat recorded in Book D of Plats page 108, thence 500 feet south along the line common to Government Lots 4 and 5; thence due east to a point intersecting with the southerly extension of the line between Lots 38 and 39 of GREEN FERRY BAY, thence north to the south corner common to said Lots 38 and 39; thence westerly along the south boundary line of Lots 39, 40, 41, 42 and 43 of GREEN FERRY BAY, to the point of beginning.

Parcel No. 3: Lot 38 of GREEN FERRY BAY, Kootenai County, State of Idaho, according to the plat recorded in Book D of Plats page 108.

Dated this 20th

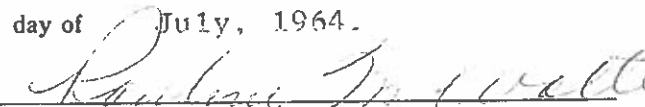
day of July, 1964.

 (SEAL)
 (SEAL)

STATE OF WASHINGTON, }
 County of Spokane } ss.

On this day personally appeared before me Stan Morris and Lucille Morris, husband and wife, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 20th day of July, 1964.


 Notary Public in and for the State of Washington,
 residing at Spokane

DUVA 130 PAGE 80

To whom it may concern:

My husband Neal R. Fosseen and I, Helen W. Fosseen purchased the subject property on the Spokane River on July 20, 1964.

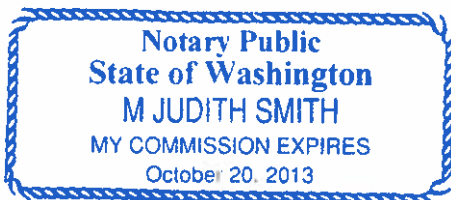
To the best of my knowledge we started taking water out of the River a few years after that, which would be in the mid sixties.

Helen W. Fosseen Date: Jan. 11, 2010
Helen W Fosseen

STATE OF WASHINGTON)
) ss.
County of Spokane)

I certify that I know or have satisfactory evidence that this document was signed and executed by Helen W. Fosseen and acknowledged it to be her free and voluntary act, for the uses and purposes mentioned in the instrument.

Dated this 11th day of January, 2010



M. Judith Smith
NOTARY PUBLIC in and for the State of
Washington, residing at Spokane. My
appointment expires: 10/20/13