

# 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 95-13480Date Received: 08/04/09Receipt No: NO21029Received By: N. Standing

## 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

AUG 04 2009

IDWR/North

1. Name of Claimant(s) Donald & Shirley Daist Phone (509) 872-3120Mailing Address 201 Trestle Rd Pullman WA Zip 99163  
Street or Box City State2. Date of Priority: (Only one per claim) May 20, 1967 Jan 1, 1970 SQ.  
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water ( ) or Other ( ) (a) Coeur d'Alene Lake  
which is tributary to (b) Spokane River SQ 9-16-104. Location of Point of Diversion is: Township 47 N, Range 4 W, Section 12,  
SE 1/4 of SW 1/4, or Govt. Lot 48 of 1 BM. County of Kootenai;Parcel (PIN) no. 47N04W12S085 0-8800-001-004-0 SQ 9-16-10

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.

pump Jet pump on lake shore lot 4 (0-8800-001-004-0) S.D.  
Shared Water System 9-16-10

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 0.04 cfs SQ  
Month/Day Month/Day cfs ( ) or AFY ( )For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_  
Month/Day Month/Day cfs ( ) or AFY ( )7. Total Quantity claimed 0.04 cfs ( ) or AFY ( )

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

Stockwater and Number of livestock) Three houses 1 house

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9. Location of Place of Use is: Township 47N, Range 4W, Section 12,  
SE 1/4 of SW 1/4, Govt. Lot 1 BM. Parcel (PIN) no. 47N04W127085  
If different than shown in Item 4  
for (Check One) Domestic ☒ 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 ☒ 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:

See attachments for information regarding lake access

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: \_\_\_\_\_

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) Donald J. Smith Date: 8-3-09

Shirley M. Smith Date: 8-3-09

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. \_\_\_\_\_

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# WARRANTY DEED

For Value Received Twelve Hundred Dollars (\$1200.00) Helen D. Bloomburg, widow, resident of Kootenai County, State of Idaho

The grantor does hereby grant, bargain, sell and convey unto John Wallin, of Pullman, State of Washington, and Lois, his wife,

the grantor, the following described premises in Kootenai County, Idaho, to wit: A tract of land in Government Lot 4, Section 14, T. 47 N., Range 4 W. 34, Kootenai County, Idaho, described as beginning at the Southeast corner of said Section 14; thence N 75° 15' E, 170.0 feet; thence S 74° 25' W, 30.0 feet to the True Point of Beginning for this description and being a point on the Westerly line of Willwood Drive; thence N 74° 25' W, 125.0 feet; thence S 74° 25' W, 125.0 feet; thence N 75° 15' E, 170.0 feet; thence N 75° 15' E, 192.4 feet to a point on the Westerly line of Willwood Drive; thence S 85° 34' W along the Westerly line of Willwood Drive, 162.2 feet; thence S 55° 34' W along the Westerly line of Willwood Drive, 150.0 feet to the True Point of Beginning. Being Lots 1, 2, 3, of the Vacated Block 2 of Willwood Park. Subject to certain limitations stated below, with this title to said lots does the use of Lot 4, Block 1, Willwood Park, for the purpose of access to and use of a the proportion of the shore line and beach of said Lot 4. This deed is given subject to the following conditions and restrictions:

1. That no building or structure shall be erected or placed upon the premises to be used for any purpose except for residential purposes.
2. That no commercial enterprise of any nature whatsoever shall be conducted or maintained upon the real property or any part thereof nor upon the public water adjacent to said premises.
3. That a breach of any of the foregoing conditions shall cause said premises to revert to the grantor, her heirs or assigns; and the grantor, her heirs or assigns shall have legal right of immediate re-entry upon said premises in the event of such breach.
4. The conditions and restrictions above set forth shall apply to bind the grantee, his heirs, executors, successors and assigns, with the further restriction that the grantee shall not build, erect or construct any building, shed, lean-to, dock or pier on said Lot 4, Block 1, Willwood Park, without special permission of grantor.
5. The cost of taxes on Lot 4, Block 1, shall be divided equally between all owners of all lots (12) in vacated Block 2, Willwood Park.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant and agree with the said Grantee that she is the owner in fee simple of said premises; that they are free from all encumbrances, former or other grants, bargains, sales, liens, taxes, and assessments of every kind or nature whatsoever.

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated:

Signed, sealed, and delivered in the presence of

*Helen D. Bloomburg*

RECORDED

SEP 16 1938

## Schedule A

|                                             |                                                    |
|---------------------------------------------|----------------------------------------------------|
| No. <b>O-E 055334</b>                       | Date of Policy:<br><b>May 8, 1979 at 2:45 p.m.</b> |
| Amount of Insurance:<br><b>\$ 30,000.00</b> | Agent's Reference No.:<br><b>12403</b>             |
| Premium:<br><b>\$ 182.50</b>                |                                                    |

1. Name of Insured:

DONALD L. QUIST AND SHIRLEY M. QUIST;  
THEODORE QUIST AND MOLLIE P. QUIST

2. Title to the estate or interest covered by this policy at the date hereof is vested in:

DONALD L. QUIST AND SHIRLEY M. QUIST, husband and wife, and  
THEODORE QUIST AND MOLLIE P. QUIST, husband and wife

3. The estate or interest in the land described or referred to in this Schedule covered by this policy is Fee Simple.

4. The land referred to in this policy is located in the County of **Kootenai**  
State of **Idaho** and described as follows:

A tract of land in Government Lot 4, Section 12, Township 47  
North, Range 4 West, Boise Meridian, Kootenai County, Idaho,  
described as:

BEGINNING at the Southwest corner of said Section 12;  
thence, North 89°53' East, along the South line of said  
Section 12, 1984.7 feet; thence, North 35°34' East, 170.0  
feet; thence, North 54°26' West, 40.0 feet to the TRUE  
POINT OF BEGINNING for this description and being a point on  
the Westerly line of Wildwood Drive; thence, North 54°26'  
West, 125.0 feet; thence, North 9°26' West, 106.1 feet;  
thence, South 54°26' East, 200 feet; thence, South 35°34'  
West, 75 feet to the TRUE POINT OF BEGINNING, being Lot 1,  
Block 2 of VACATED WILDWOOD PARK.

TOGETHER with access to the lake shore over Lot 4, Block 1,  
WILDWOOD PARK, set aside for this purpose with dock rights  
thereto.

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SEP 16 2010

QUIST PIN 47N04W-12-7085

POD 0-8800-001-004-0  
RSL



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