

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

Date Received:

Receipt No:

Received By:

RECEIVED

OCT - 6 2010

IDWR/NORTHERN

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) Randy D. Johnson Phone (509) 489-0181 ext. 203

Mailing Address 18401 S. University Point Rd Coeur d'Alene ID Zip 83814
Street or Box City State

2. Date of Priority: (Only one per claim) January 1, 1947
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (X) (a) Coeur d'Alene Lake
which is tributary to (b) Spokane River

4. Location of Point of Diversion is: Township 48N, Range 4W, Section 17,
1/4 of 1/4, or Govt. Lot 4 BM. County of Kootenai;

Parcel (PIN) no. 0672000F0010

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 cfs
Month/Day Month/Day cfs(k) or AFY()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 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: 1 household and less than 1/2 acre

irrigation of lawn and/or garden

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OCT 18 2010

9. Location of Place of Use is: Township 48N, Range 4W, Section 17,

1/4 of 1/4, Govt. Lot 4 BM. Parcel (PIN) no. 0672000F0010

If different than shown in Item 4

for (Check One) Domestic ☒ Stock ☐ Domestic and Stock ☐

Additional places of use, if any PIN #0580000003B (see attached)

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.

Water rights for use of groundwater from diverting work (well) or None ☐

13. Remarks:

Attached hereto is the Affidavit of Randy D. Johnson, setting forth a) basis of claim for item #9 above, and b) supplemental proof of priority date

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) [Signature]

Date: 10-5-10

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 _____ Date _____

Address _____

Last Name Johnson Identification No. _____

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STATE OF WASHINGTON)
) ss
County of Spokane)

1. I make this affidavit based on personal knowledge and am competent to testify.
2. This affidavit is prepared in support of the Notice of Claim To A Water Right, setting forth supplement information for the places of use claimed under the “Location of Place of Use,” of claim item #9.

4. Attached hereto as Exhibit "C" is a copy of the "RECORD OF SURVEY; LOT 5, PARK ADDITION TO ROCKFORD BAY SUMMER HOMES, LOCATED IN SEC. 17, T.48N., R.4W., B.M., KOOTENAI COUNTY, IDAHO" of the Assessor for Kootenai County, Idaho identified as instrument number 1723868 of file in Book 21 Page 246, which describes the above-referenced parcels to be situate appurtenant of one another sharing the same boundary line as is used for demarcation of Government Lots 3 and 4.

RANDY D. JOHNSON

Notary Public
State of Washington
Seth T Thompson
Commission Expires 02-01-2014

Notary Public, State of Washington,
residing at Spokane.
My commission expires: 2/1/2

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OCT 18 2010

EXHIBIT "A"

Parcel Number
0672000F0010

Alt
144506

Situs Address
18324 S UNIVERSITY POINT RD, COEUR D ALENE

Owner Information

Owner Name JOHNSON RANDY D
Owner Address 18401 S UNIVERSITY POINT RD
COEUR D ALENE ID 83814
Transfer Date 01/01/2008

Location / Description

Tax Authority 087000
Group
Situs Address 18324 S UNIVERSITY POINT RD, COEUR D ALENE
Acreage .3580
Current Legal Desc. ROCKFORD BAY SUMMER HOMES, LT 1 BLK F 17 48N 04W

Parcel Type

Property Class Code 537- Imp res rural sub
Neighborhood Code 5045 CDA LAKE W SIDE-ROCKFORD BAY

Assessment Information

Appraisal Date	01-01- Current Year - 2010	0	Prior Year - 2009	0
	2010			
Market Value Land	\$702,000 Homeowners Eligible Amt Land	\$702,000 Homeowners Eligible Amt Land	\$780,000	
Market Value Improvement	\$110,290 Homeowners Eligible Amt Imp	\$110,290 Homeowners Eligible Amt Imp	\$118,200	
Total Market Value	\$812,290 Sum Homeowners Eligible Amt	\$812,290 Sum Homeowners Eligible Amt	\$898,200	
	Homeowners Exemption Allowed	\$101,153 Homeowners Exemption Allowed	\$104,471	
Acreage	0.3580 Total Market Value	\$812,290 Total Market Value	\$898,200	
Front Feet	100.0000 Homeowners Exemption Allowed	\$101,153 Homeowners Exemption	\$104,471	
	Ag/Timber Exemption	\$0 Ag/Timber Exemption	\$0	

Page 2 of 2

Net Taxable Value \$711,137 Net Taxable Value \$793,729

JOHNSON, RANDY D.

SCANNED
OCT 18 2010

EXHIBIT "B"

ParcelParcel Number
05800000003BAIN
146153

Situs Address

Owner Name
Owner Address

Owner Information

JOHNSON RANDY D
18401 S UNIVERSITY POINT RD
COEUR D ALENE ID 83814
01/01/2008

Transfer Date

Location / Description

Tax Authority Group 087000

Current Legal Desc.

PARK ADD, TO ROCKFORD BAY, TAX
#4382 17 48N 04W

Situs Address

Acreage .0830

Parcel Type

Property Class Code

515- Rural residential sub

Neighborhood Code

5201 CRYSTAL SPRINGS

Assessment Information

Appraisal Date

01-01- Current Year - 2010
2010

0

Prior Year - 2009

0

Market Value Land

\$1,000 Homeowners Eligible Amt
Land

\$0

Homeowners Eligible Amt
Land

\$0

Market Value
Improvement\$0 Homeowners Eligible Amt
Imp

\$0

Homeowners Eligible Amt
Imp

\$0

Total Market Value

\$1,000 Sum Homeowners Eligible
Amt

\$0

Sum Homeowners Eligible
Amt

\$0

Homeowners Exemption
Allowed

\$0

Homeowners Exemption
Allowed

\$0

Acreage

0.0830 Total Market Value

\$1,000 Total Market Value

\$1,000

Homeowners Exemption
Allowed

\$0

Homeowners Exemption

\$0

Ag/Timber Exemption

\$0

Ag/Timber Exemption

\$0

Net Taxable Value

\$1,000 Net Taxable Value

\$1,000

EXHIBIT "C"

LIFE DATA	
TIME	STRENGTH
1.0	12.3
1.5	10.5
2.0	9.8
2.5	9.2
3.0	8.7
3.5	8.1
4.0	7.6
4.5	7.1
5.0	6.6

172-3808
RECEIVED
FBI
MAR 19 1962
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.
BOSTON OFFICE
MARCH 19 1962
TO DIRECTOR
FROM SAC, NEW YORK (100-3808)
SUBJECT: [illegible]
[illegible]

BASED ON RECORDS - N 3751' W 4000' THE NORTHWEST CORNER OF BLOCK A ACCORDING TO SLOANER MODEL, BETWEEN THE EAST CORNER OF LOT 3 AND THE NORTH CORNER OF LOT 7, ACCORDING TO THE PLAT OF EXISTING BUT SLOANER HOMES AND PARK ADDITION TO EXISTING BUT SLOANER HOMES.

[illegible]

SET 2001 2

1. SCOTT M. NASON, PROFESSIONAL LAND SURVEYOR No. 8374 IN THE STATE OF OHIO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION FOR READY REVISION.

Scott M. Mason - PLS 4376 DATE

[illegible][illegible]

SCALE: 1"=60'	DRAWN: CV
DATE: MAR 14, 2003	CHECKED: <i>[Signature]</i>

407 4



CEPES CPE, JAC & PUL

208 NO B1128
208 RUE NOVIQUE

**MECKEL ENGINEERING
& SURVEYING, INC.**

RECORD OF SURVEY
LOT 8, PLAT ADDITION TO RECORDING DAY SQUARE HOMES,
LOCATED IN SEC. 17, T. 48N., R. 67W., S. 4E.,

JOHNSON, RANDY D.

- ii. Grant, Donate and Dedicate of said highways and streets and roadways by the above-referenced owners as grantors to the use of the public as grantees forever; and
- iii. Reservation of Rights of owners to: "lay pipes for water, gas or other public conveniences ... reserving to ourselves [owners] in fee simple should the same ever be legally vacated."

5. Attached hereto as Exhibit "D," is a copy of the Record of Survey, "PARK ADD. to Rockford Bay Summer Homes, Kootenai County, Idaho," dated August 15, 2010 assessed by Kootenai County of file Book D of Plats at Page 13, which contains the following:

- a. Survey describing the true and correct plat of:

Park Addition to Rockford Summer Homes located in Lots 3 and 4 Sec. 17 Twp. 48 North, Range 4 West of the Boise Meridian, Kootenai County; and

- b. Dedication of Roy T. Smythe and Thelma N. Smythe, husband and wife, as owners of above referenced plat including:

All that part of 'Rockford Bay Summer Homes designated as PARK on their recorded plat' having caused the same to be subdivided into lots, streets and alleys as shown;

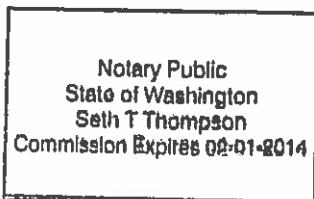
To be dedicated for the use of the public the streets and alleys as shown subject to the reservation of right of owners to lay water, gas or other public conveniences and to the owners in fee simple should the same ever be legally vacated.

6. Based upon the foregoing, I respectfully request the use of the priority date of January 1, 1947, as stipulated in and for the Notice Of Claim To A Water Right.

Dated this 5 day of October, 2010.


RANDY D. JOHNSON

SUBSCRIBED and SWORN TO before me this 5th day of October, 2010.



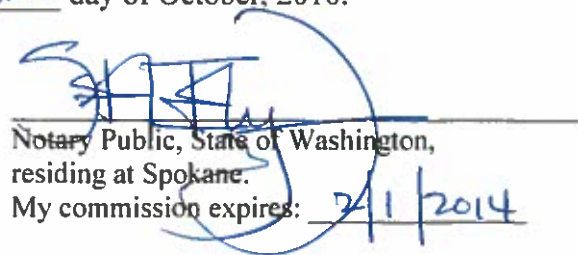

Notary Public, State of Washington,
residing at Spokane.
My commission expires: 2/1/2014

EXHIBIT "A"

Parcel**Parcel Number**
0672000F0010**AIN**
144506**Situs Address**
18324 S UNIVERSITY POINT RD, COEUR D ALENE**Owner Information****Owner Name** JOHNSON RANDY D
Owner Address 18401 S UNIVERSITY POINT RD
COEUR D ALENE ID 83814
Transfer Date 01/01/2008**Location / Description****Tax Authority** 087000
Group
Situs Address 18324 S UNIVERSITY POINT RD, COEUR D ALENE
Acreage .3580
Current Legal Desc. ROCKFORD BAY SUMMER HOMES, LT 1 BLK F 17 48N 04W**Parcel Type****Property Class Code** 537- Imp res rural sub
Neighborhood Code 5045 CDA LAKE W SIDE-ROCKFORD BAY**Assessment Information**

Appraisal Date	01-01- Current Year - 2010	0	Prior Year - 2009	0
	2010			
Market Value Land	\$702,000 Homeowners Eligible Amt Land	\$702,000 Homeowners Eligible Amt Land	\$780,000	
Market Value Improvement	\$110,290 Homeowners Eligible Amt Imp	\$110,290 Homeowners Eligible Amt Imp	\$118,200	
Total Market Value	\$812,290 Sum Homeowners Eligible Amt	\$812,290 Sum Homeowners Eligible Amt	\$898,200	
	Homeowners Exemption Allowed	\$101,153 Homeowners Exemption Allowed	\$104,471	
Acreage	0.3580 Total Market Value	\$812,290 Total Market Value	\$898,200	
Front Feet	100.0000 Homeowners Exemption Allowed	\$101,153 Homeowners Exemption	\$104,471	
	Ag/Timber Exemption	\$0	Ag/Timber Exemption	\$0

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Net Taxable Value \$711,137 **Net Taxable Value** \$793,729SCANNED
OCT 18 2010

JOHNSON, RANDY D.

EXHIBIT "B"

ParcelParcel Number
05800000003BAIN
146153

Situs Address

Owner Name
Owner Address

Owner Information

JOHNSON RANDY D
18401 S UNIVERSITY POINT RD
COEUR D ALENE ID 83814
01/01/2008

Transfer Date

Location / Description

Tax Authority Group 087000

Current Legal Desc. PARK ADD, TO ROCKFORD BAY, TAX
#4382 17 48N 04W

Situs Address

Acreage .0830

Parcel Type

Property Class Code 515- Rural residential sub
Neighborhood Code 5201 CRYSTAL SPRINGS

Assessment Information

Appraisal Date	01-01- Current Year - 2010	0	Prior Year - 2009	0
	2010			
Market Value Land	\$1,000 Homeowners Eligible Amt Land	\$0	Homeowners Eligible Amt Land	\$0
Market Value Improvement	\$0 Homeowners Eligible Amt Imp	\$0	Homeowners Eligible Amt Imp	\$0
Total Market Value	\$1,000 Sum Homeowners Eligible Amt	\$0	Sum Homeowners Eligible Amt	\$0
	Homeowners Exemption Allowed	\$0	Homeowners Exemption Allowed	\$0
Acreage	0.0830 Total Market Value	\$1,000	Total Market Value	\$1,000
	Homeowners Exemption Allowed	\$0	Homeowners Exemption	\$0
	Ag/Timber Exemption	\$0	Ag/Timber Exemption	\$0
	Net Taxable Value	\$1,000	Net Taxable Value	\$1,000

EXHIBIT "C"

ROCKFORD BAY

SUMMER HOMES

KOOTENAI COUNTY

IDAHO.

NW 1/4 NE.

SEC. 17 T. 14 N. R. 4. W. B. M.

LOT 4

LOT 3

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KNOW ALL MEN BY THESE PRESENTS That we, Roy T Smythe and Thelma M Smythe, husband and wife, have laid out and caused to be plotted the following described tract of land to be known as "ROSTORO DAY SUMMER HOMES" with blocks and lots of the numbers and sizes as shown by the plat hereto attached with streets and landways as shown with widths properly marked and do hereby grant, donate and dedicate said streets and roadways to the use of the public for highways forever. We reserve the right to lay pipes for water, gas or other public conveniences and to erect poles for telegraph, telephone or electric appliances, reserving to ourselves in fee simple should the same ever be legally vacated.

We do hereby covenant and agree that at the time of selling this Plat that we are well joined of the premises in fee simple, clear of all encumbrances whatsoever as shown by conveyance filed for record on Book Page Line and have good right, full power and lawful authority to convey good and sufficient title to any or all of the lots as shown

Description: The tract herein alluded to is a part of the North Half of the Northeast quarter (N1/2) and lots three (3) and four (4), Section Seventeen (17) Township 40, Range 4, W. B. M Eastern County, Idaho.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 22nd day of May, 1947.

STATE OF IDAHO)
County of Kootenai) ss

Roy T Smythe
Thelma M Smythe

I, W. B. McCartney, a Notary Public, in and for said County in the state aforesaid, do hereby certify that Roy T. Smythe and Thelma M. Smythe personally known to me as the real persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they executed and delivered the same as their free and voluntary act for the uses and purposes set forth.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

W. B. McCartney
Notary Public for the State of Idaho
Residing at Coeur d'Alene, Idaho

Notary
Seal

State of Idaho }
County of Kootenai } ss INST. # 118067
Filed for record
at the request of
Roy T. Smythe
on May 27, 1947
at 2:45 O'clock P.M.
and record in book C
of Plats Page 213
Jas. A Foster
County Recorder
Fee 35c

B

EXHIBIT "D"

Pocket of folder & file 32

SEC. 17, TWP. 48 N., R. 4 W.B.M.

PARK ADD.

LOT 4

LOT 3

to

ROCKFORD BAY

SUMMER HOMES

KOOTENAI COUNTY

Idaho.

The Royal Smelter

925

Q

Mass 13

150

DEDICATION

Be it known, that Roy J. Smythe and Thelma M. Smythe, husband and wife, are the owners of all that part of Rockford Bay Summer Homes' designated as PARK on their recorded plat bearing a part of lots 3 and 4 of Sec 17 in Twp. 48 North, Range 4 West of the Boise Meridian and have caused the same to be subdivided into lots streets and alleys as shown. The streets and alleys are dedicated to the use of the public, reserving the right however to lay down water and gas pipes and to erect poles for electrical appliances in and near the alleys.

Witness my hand and seal this 13th day of August 1950.

Roy J. Smythe
Thelma M. Smythe

The above was submitted and sworn to before me this 13th day of August 1950.

J. Barnes

Approved by Kootenai County Board of Commissioners August 1950

H. H. H. H.

County of Kootenai

W.H. Edlrich, registered 720
Civil Engineer

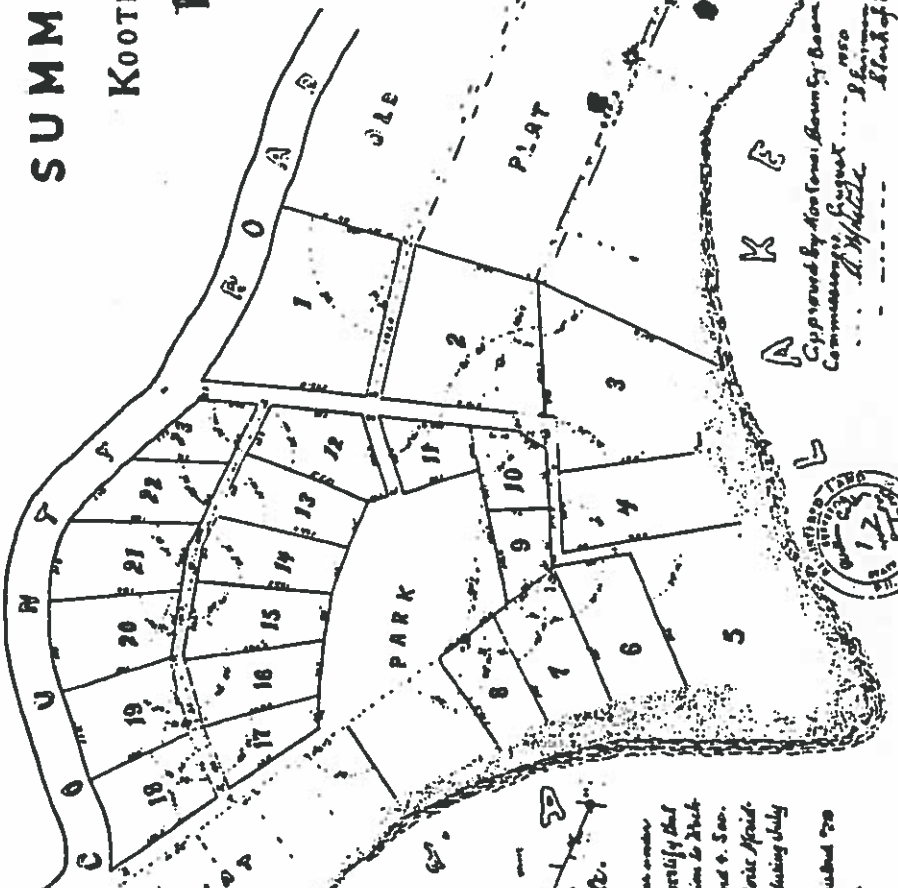
Surveyor's Certificate.

I, W.H. Edlrich, a registered engineer under the laws of the State of Idaho do hereby certify that this within and correct plat of Park Addition to Rockford Summer Homes located on Lots 3 and 4, Sec. 17, Twp. 48 North, Range 4 West of the Boise Meridian, Kootenai County as surveyed by me during July 1950.

LEGEND:

Line from this plat to corner and all same adjacent to the plat

Line from this plat to corner and all same adjacent to the plat



SCANNED
OCT 18 2010

9125543

SUBJECT: ROCKFORD BAY SUMMER HOMES and PARK ADDITION

AFFIDAVIT

To whom it may concern:

The Plat of ROCKFORD BAY SUMMER HOMES was surveyed by W. M. Edelblute, CE No. 219 and filed in Book C of Plats at page 219 on May 27, 1947.

On said plat the unnamed street northeast of and adjacent to Lots 1-7, Block A, is dimensioned with a width of 30 feet.

The Plat of PARK ADDITION TO ROCKFORD BAY SUMMER HOMES was surveyed by W. M. Edelblute, CE No. 219 and filed in Book D of Plats at page 13 on August 19, 1950.

On said plat the unnamed street southwest of and adjacent to Lots 17 and 18, which is the same street shown as 30 feet on the Rockford Bay Plat, is dimensioned as 20 feet.

The Kootenai County Assessor's office and Recorder's office both recognize the later plat with the width of the street at 20 feet to be correct.

I hereby authorize the Recorder of Kootenai County to attach this statement to both the above named plats.



John D. Howe
John D. Howe, P.L.S. 852

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF Rockford Bay
County Clerk
in and to the effect of the within and to the effect of the within
Subscribed and sworn to before me this
AUG 15 1950
by John D. Howe
Notary Public
for the County of Kootenai