

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 95-14167

Date Received: 9-28-09

Receipt No: N022268

Received By: cm

RECEIVED
SEP 28 2009
IDWR/North

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) Jody Birze Phone (208) 765.0990

Mailing Address 19521 S Hwy 97 Harvism ID Zip 83833
Street or Box City State

2. Date of Priority: (Only one per claim) Nov 5, 1951
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) SPRING / Lake CDA
which is tributary to (b) LAKE COEUR D'ALENE / SPOKANE RIVER

4. Location of Point of Diversion is: Township 50N, Range 3W, Section 31,
NW 1/4 of SW 1/4, or Govt. Lot 2 BM. County of Kootenai;

Parcel (PIN) no. _____

Additional points of diversion if any: 50N 3W Section 31 LOT 2

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.

gravity flow from spring and pump from Lake CDA

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For domestic purposes from 11/1 to 12/31 amount .04 cfs(✓) or AFY()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .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) one home

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9. Location of Place of Use is: Township 50N, Range 3W, Section 31,
NW 1/4 of SW 1/4, Govt. Lot _____ BM. Parcel (PIN) no. -6420

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.

none

or None ()

13. Remarks:

N/A

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)

Indy Bice

Date: 9/28/09

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 Indy Bice

Address 19520 S HWY 9

Date _____

Last Name _____ Identification No. 95-14167

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95-14167

Fred W. Fitze and Lottie Lee Fitze,
husband and wife,

Grantors

to

J. E. Brennan and Florence C.
Brennen, husband and wife,

Grantees

Warranty Deed.

Dated Nov. 5th 1951.

Filed for record Nov. 5, 1951
at 3:43 P.M.

Book 150 Deeds, page 311.

Consideration \$1.00 & OVC.

Signatures Sealed.

Acknowledged November 5, 1951 before William F. McFarland, Notary Public
of Kootenai County, State of Idaho residing at Coeur d'Alene. 1951.

Granting words: Grant bargain sell remise release alienate and confirm.

Covenants: Full warranty.

Description: The following described land situated in Kootenai County,
State of Idaho, to-wit:

That part of Lot Three (3), Section Five (5), Township Forty-nine (49)
North, and of Lot Two (2), Section Thirty-one (31) Township 50 North,
all in Range Three (3) W.E.M., not heretofore conveyed by the parties
of the first part to the parties of the second part by Warranty Deed
dated March 8, 1949, recorded in office of County Recorder of Kootenai
County, Idaho on March 8 1949 in Book 142 of Deeds page 411. Subject
to all easements and rights of way of record and subject to that cer-
tain written lease dated October 1, 1949 wherein the parties of first
part herein leased to Elmer E. Jordan and Virginia Jordan, party of
second, property for a term of ten years beginning October 1, 1949. How-
ever, the parties of the first part reserve the use of the waters of
the spring on said Lot 3, except that the parties of the second part
shall use sufficient thereof for the domestic use by one family and
the parties of the first part reserve the right for themselves their
successors and assigns, to pipe the waters of the spring so reserved
by them for use on such property as they desire and reserve an easement
for themselves, their successors and assigns over and across the land
hereby conveyed to the parties of the second part, for the installation,
maintenance and repair of necessary pipe lines for such purpose, and the
right to enter upon the land hereby conveyed for such installation, re-
pair and maintenance.

I. Rev. 55 cents

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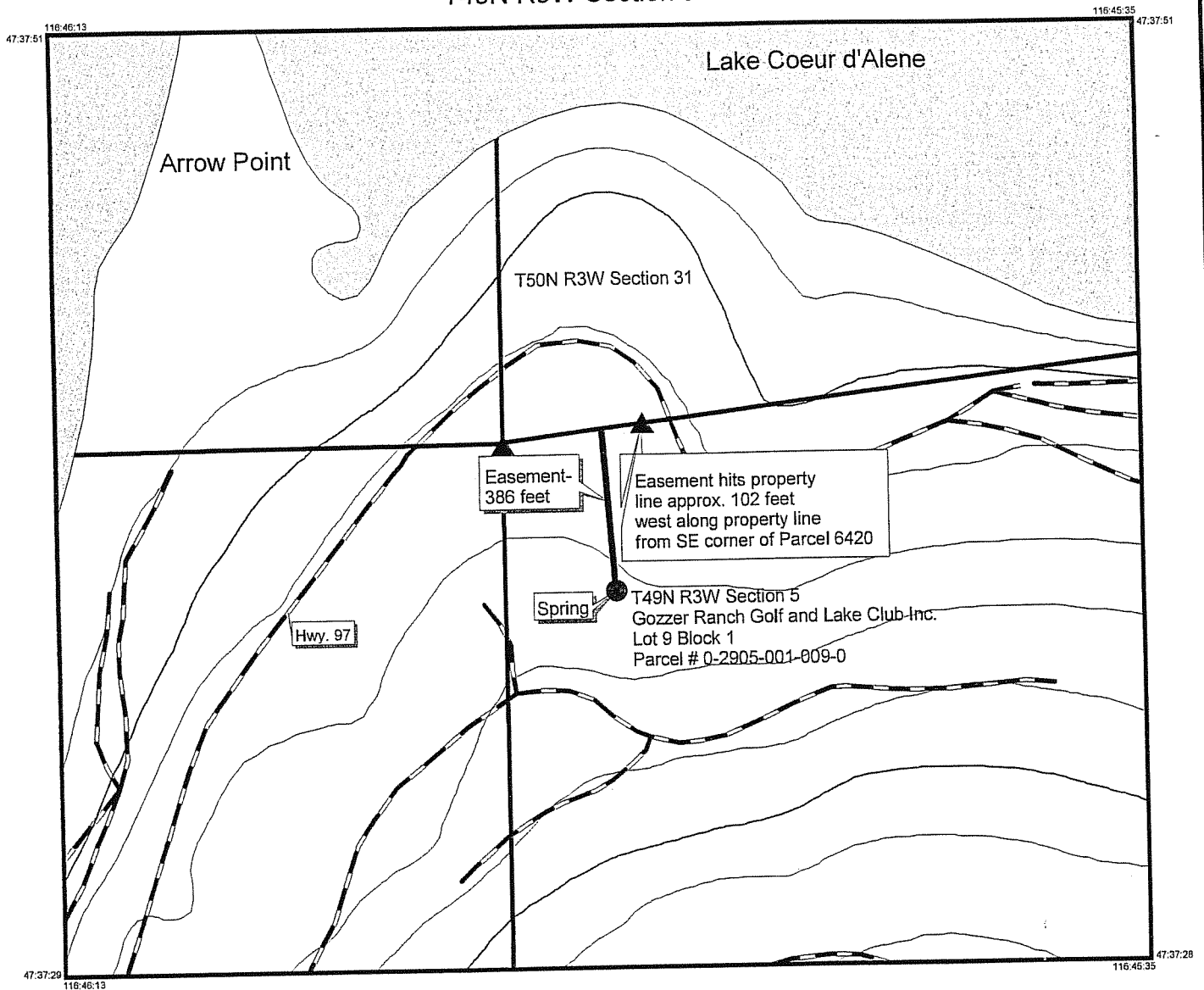
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Exhibit A

Spring Easement T49N R3W Section 5



Easement for water line to T50N R3W Section 31 Parcel 6420, is approx. 386 feet long, and crosses the south property line of Parcel 6420 approx. 102 feet west along property line from the SE corner of Parcel 6420. Property the easement crosses is T49N R3W Section 5, Parcel number 0-2905-001-009-0

Lines:

- Sections
- Easement
- Road

Contours

- 200'
- 40'

Polygons:

- Lake Coeur d'Alene

Symbols:

- ▲ Property corner
- Spring

Scale: 1:4500

Date: 1-2-13

Map Type: Easement

County: Kootenai

