

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 95-15813

Date Received: 6-3-2010

Receipt No: N024742

Received By: G. T.

RECEIVED

JUN 15 2010

IDWR/NORTHERN

Amended
**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Allan C. Fix Phone (510) 292-5828

Mailing Address 1305 Solano Avenue #G Albany CA ZIP 94706
Street or Box City State

2. Date of Priority (Only one (1) per claim) 07/19/1910
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township 49N, Range 4W, Section 23,
NW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Kootenai

Parcel (PIN) no. 49N04W233200

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 _____, 1/4

Govt. Lot _____, BM., County of _____

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

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. 3/4 inch water pipe from spring of water to Lot 3 and Lot 4 of Block 6
of McCreas Addition to La Delcardo Bay, Kootenai County, Idaho.

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6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.0446 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.0446 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic-1 Household

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	
49N	4W	23							D	D									

Parcel (PIN) no(s) 044800060030; 044800060040

Total number of acres irrigated N/A

10. In which county (ies) are lands listed above as place of use located?

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: According to the Deed for Water attached hereto as Exhibit "A", Lot 3 and 4 of McCrea Addition to LaDelcardo Bay use 1/5 of the water from said Spring. Attached as Exhibit "B" is a map setting forth the location of the Fix property.

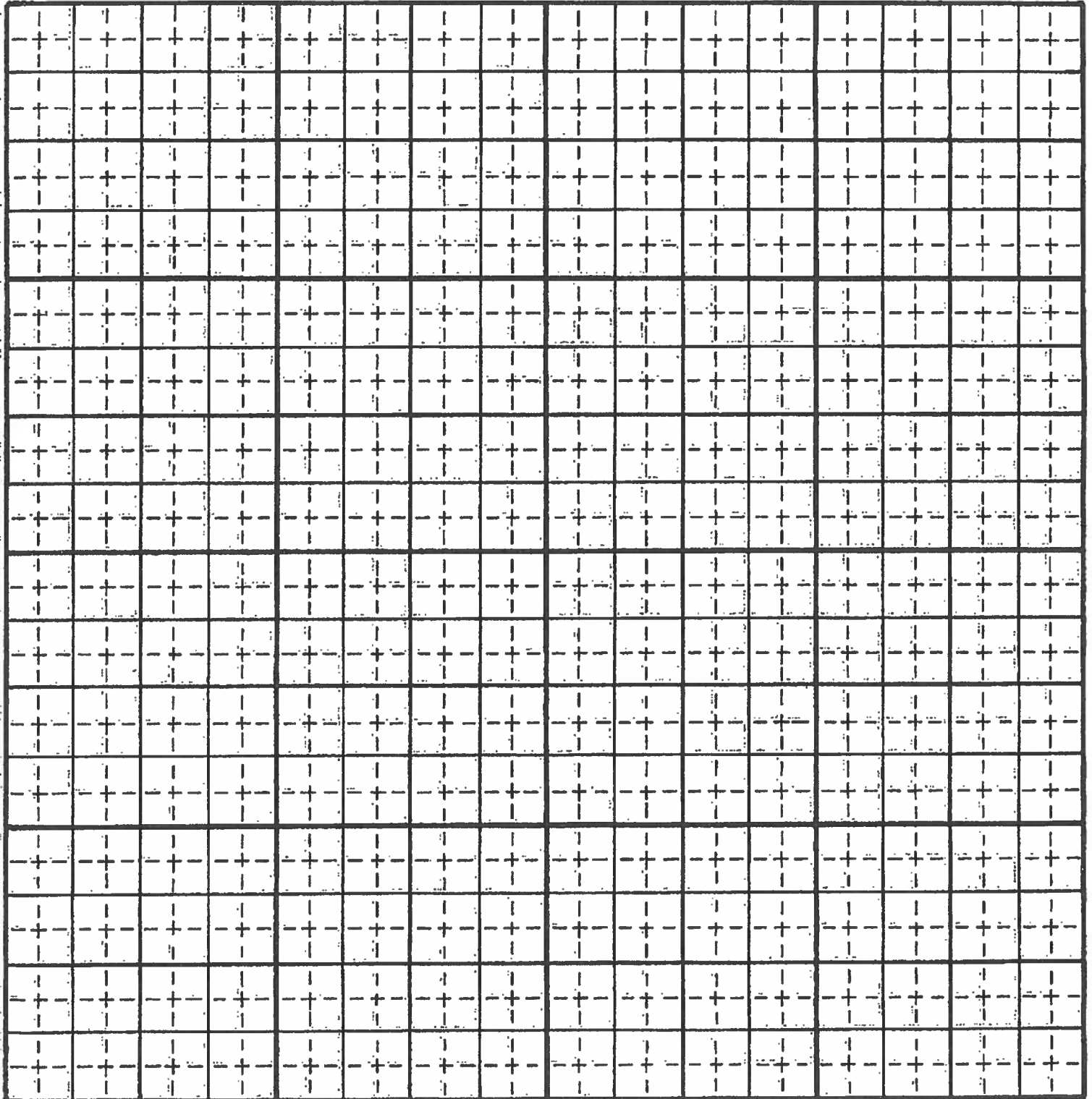
Last Name Fix

Identification No.

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Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name Fix

Identification No. 90ANN

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) Alan CF Date: 6/10/10

Date: _____

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

Title of _____ Organization

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

Title of _____ 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, Peter J. Smith, IV, 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 PJ Smith Date 6-8-2010

Address 601 E. Front Avenue, Suite 502
Coeur d'Alene, Idaho 83814

Last Name Fix Identification No. _____

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JUN 15 2010

COMPARED

THIS INDENTURE, made this 19th. day of July in the year 1910, between Leonard McCrea and Ida L. McCrea his wife, of Kootenai County, Idaho, parties of the first part, and George H. Hughes, party of the second part, WITNESSETH: That the said parties of the first part, for and inconsideration of the sum of One Dollar, lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain and convey unto the said party of the second part, his heirs and assigns, the right to lay and maintain a three fourths inch water pipe from his lots known as Lots number Three (3) block six (6) of LaDelcardo Bay, and Lot number four (4) of McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho, on Coeur d'Alene Lake, to the Spring of Water, situated 390 feet north, and 720 feet west of the Southeast corner of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ of the NW $\frac{1}{4}$) of Section Twenty-three (23), Township Forty-nine (49) north, Range Four (4) West of the Boise Meridian; hereby granting and conveying to the said party of the second part, his heirs and assigns, the perpetual right to the use, on said lots above described, of One Fifth (1/5) of the water from said Spring above described and located.

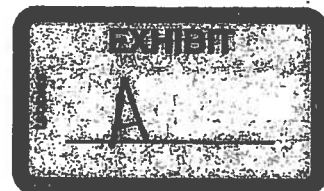
Hereby granting to said party of the second part, his heirs and assigns, perpetual right of way across that portion of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 23, Twp. 49, N.R. 4, W.B.M., made necessary for the laying and maintaining of such water pipe.

In witness whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered
in the presence of,

Jamess Hunter
Howard Colver

Leonard M. McCrea (Seal)
Ida L. McCrea (Seal)

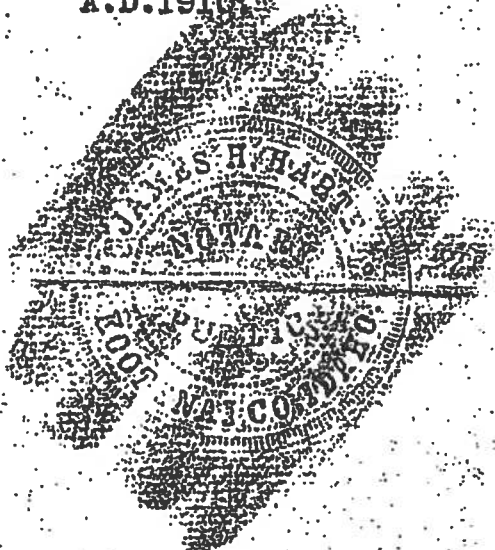


RECORDED
JUN 15 2009

State of Idaho,)
County of Kootenai) ss.

On this 19 day of July A.D. 1910, before me, James H. Harte, a Notary Public in and for said County and State, personally appeared Leonard McGree and Ida L. McGree his wife, personally known to me to be the persons described in, and who subscribed their names to the within instrument, and they acknowledged to me that they executed the same.

Given under my hand and official seal, this 19 day of July A.D. 1910.



James H. Harte
Notary Public.

Filed and recorded at the request of William C. Frip
at 10 o'clock A. M., this 3rd day of May, 1912
By: Arleta Jakopson
HAROLD E. PETERSON
County Auditor-Recorder
Kootenai County, Idaho
Return to will call. Fee 20c
(Fast. Copy) collect 25c

W. C. Frip
627 E 17th
SPOKANE WA 99203

MAY 15 1972

STATE OF IDAHO
COUNTY OF KOOTENAI
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF
THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE IN
Book 256 of Deeds page 536.

HAROLD E. PETERSON
County Auditor-Recorder By Arleta Jakopson

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The revision dates below represent the date dates for the posting of the listed revisions.
The archive dates for these revisions are posted within the ARCHIVE REVISIONS but in the drawing title block.

12/06/06 - bc
9-4492-001-011 and of 007-004-4 (Y90)
Lafayette Hwy
numbered of 9-4492-007-004-4 (Y92)

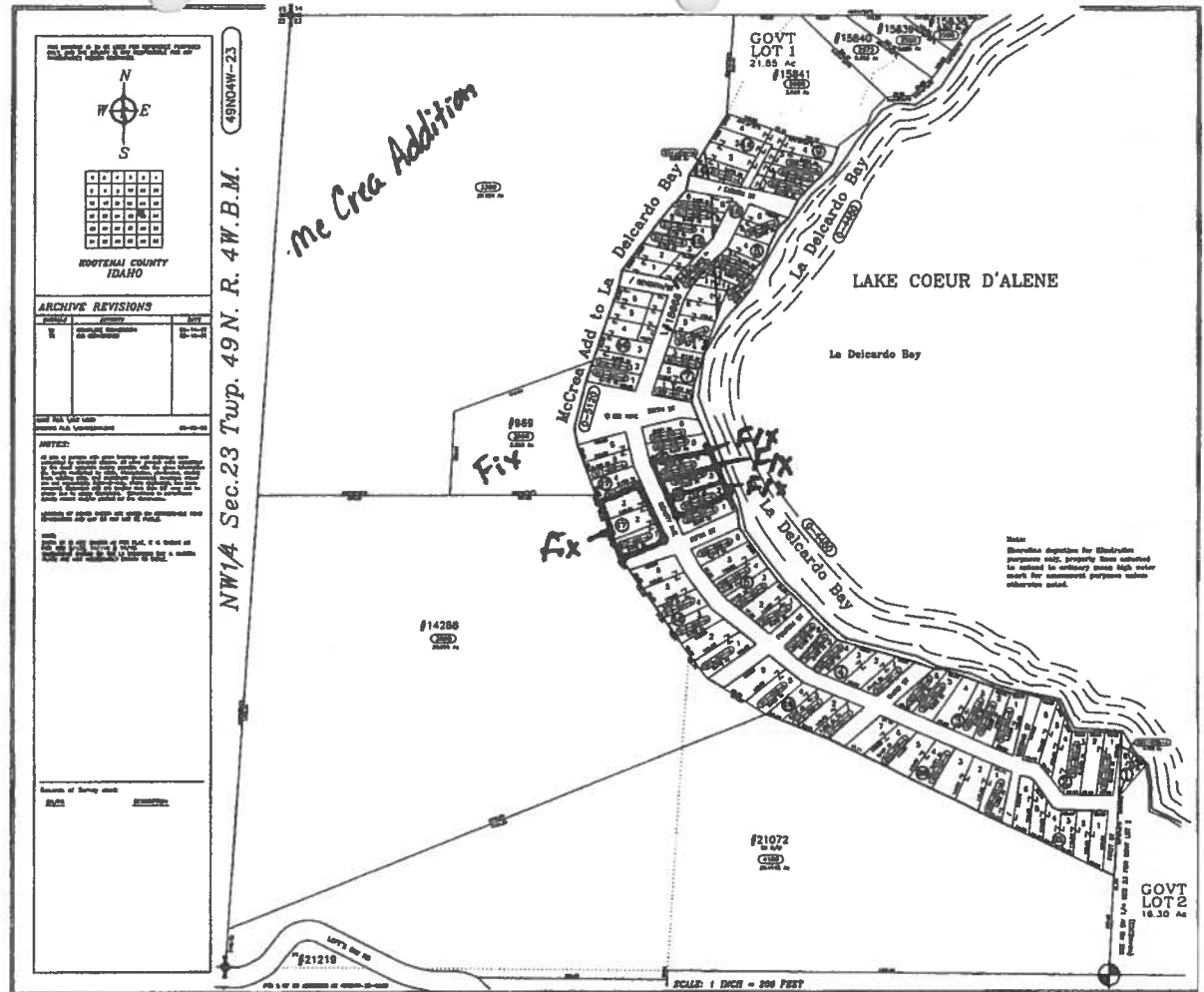
12/19/06 - bc
Pl of 007-004-4 numbered of 002-001-6 (see -4) (Y90)
Pl of 007 between (1 0 0 0 and 1 0 0 0 7 McNave's Ave
numbered of 9-4492-007-004-4 (Y92)

07/11/06 - SLW
9-4492-007-004-4 renumbered as 1138666 [B1]

07/27/06 - SLW
Let Line Adjustment between 4492-023-41000 and 35000 of
4100 being renumbered as Pl 71772 [07]

11/02/06 - CT
numbered 11-5300 renumbered as Pl 21218 [07]
9-4492-002-001-1 and of 001-1 (see 003-1) [07]

01/21/07 - ET
9-4492-002-001-1 and of 002-002-4 (003-1)



FILDAWG: 494VZ2NVL=longm)

NW 1/4 Sec.23 Twp.49N. R.4W.B.M

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EXHIBIT

B

June 14, 2010

APRIL K. GIBSON
Legal Assistant
Direct Fax: (208) 666-4114
Direct Dial: (208) 666-4104

Greg Taylor
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive
Suite 100
Coeur d'Alene, Idaho 83815

Re: Notice of Claim to a Water Right
PIN NO. 044800060030 & 044800060040

Dear Sir or Madame:

Enclosed please find the following document(s):

RECEIVED
JUN 15 2010
IDWR/NORTHERN

1. Amended Notice of Claim to a Water Right.

- ☐ For your execution and return
- ☐ For your file
- ☒ Please file and return conformed copy in the SASE provided
- ☐ Please record and return in SASE provided
- ☐ Please forward to Judge for consideration

Sincerely,


APRIL K. GIBSON

Legal Assistant to Peter J. Smith

AKG:akg
Enclosure

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JUN 15 2009