

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 95-16185Date Received: 06/14/2010Receipt No: N024922 AReceived By: Jim A

RECEIVED

MAY 03 2010

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

IDWR / NORTH

1. Name of Claimant(s) Lisa Fitzner and/or Terry Phillips Phone (208) 664 5378 home
(480) 223-3784 cellMailing Address Marine Route Twin Beaches Coeur d'Alene ID Zip 83814
Street or Box City State2. Date of Priority: (Only one per claim) 11/26/901
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water (X) or Other (X) (a) Spring
which is tributary to (b) _____4. Location of Point of Diversion is: Township Forty Nine (49) Range Four (4) Section one (1)
NE 1/4 of SW 1/4, or Govt. Lot 48? BM. County of Kootenai
Parcel (PIN) no. 49N04W-01-5350

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.

Encased Spring with tapes flowing to property.
See - attached legal description.

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 (X) 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) _____

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9. Location of Place of Use is: Township 49, Range 4, Section 1,
NE 1/4 of SW 1/4, Govt. Lot 6 BM. Parcel (PIN) no. 49N04W-01-5350
for (Check One) **Domestic** (X) **Stock** () **Domestic and Stock** ()
If different than shown in Item 4

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 (X)
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.

Depending on the flow of said spring, we also take water or None ()
from Lake Coeur d'Alene. See enclosed application,

13. Remarks: ALSO SEE attached description of spring.
This spring was deeded to this property - beginning in 1901.

14. Basis of Claim (Check One) Beneficial Use (X) 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: 3

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) Lisa E. Peterson Date: 4-12-2010
James D. Phillips Date: 4-12-2010

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 _____

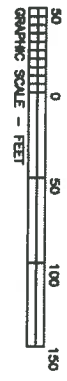
Date _____

Last Name _____ Identification No. _____

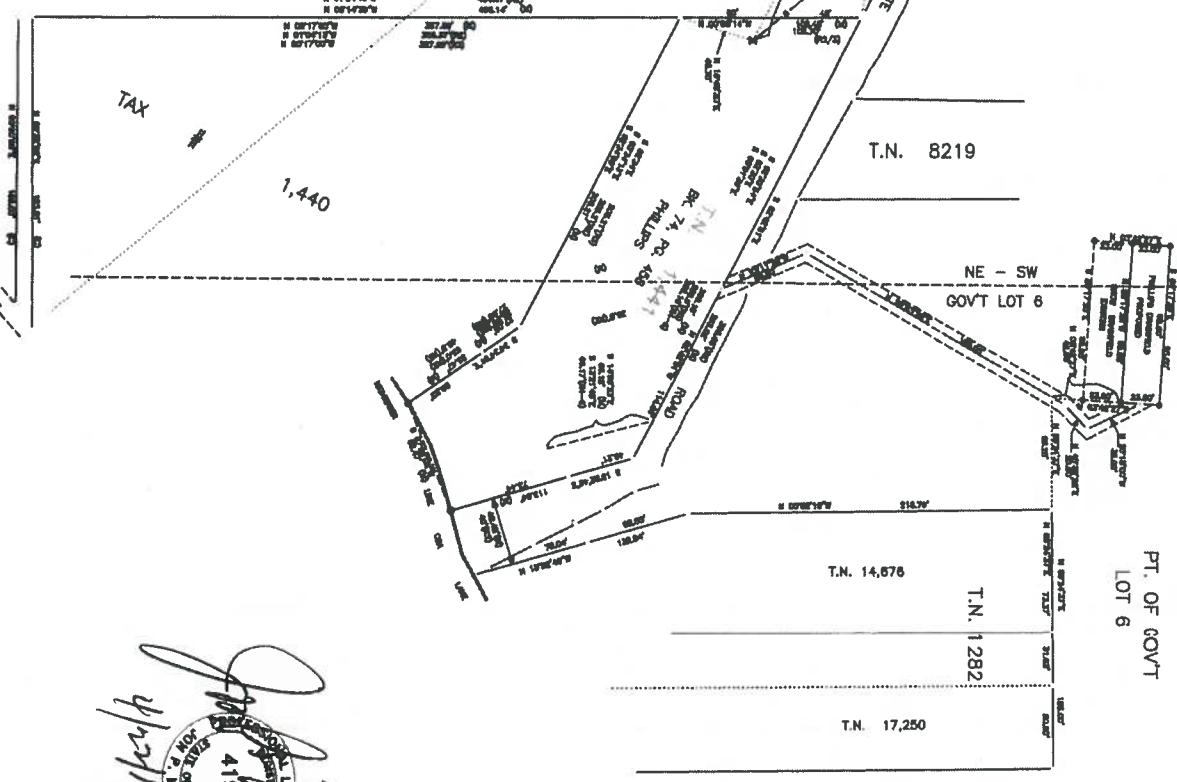
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SITE SURVEY - WATER RIGHTS **SHOWING SPRING, CISTERN AND WATER LINE TO TAX NUMBER 1441, IN THE** **NE 1/4 - SW 1/4, SECTION 1, TOWNSHIP 49 NORTH, RANGE 4 WEST,** **BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO**

Spring



REMAINDER OF THE
 OF THE N.E. 1/4, SW 1/4



PT. OF GOV'T
 LOT 6

T.N. 18,182

LEGEND

- 1 DENOTES SET 5/4" FROM ROD A CIP E.S.E. PLS 4194
- 2 DENOTES FOUND 5/4" FROM ROD IN CONCRETE LS 4192 TWO
- 3 DENOTES FOUND 5/4" FROM PIP IN CONCRETE LS 4192 TWO
- 4 DENOTES FOUND 5/4" FROM PIP IN CONCRETE LS 4192 TWO
- 5 DENOTES CALCULATED POSITION FOR ROD A (NOT FOUND)
- 6 DENOTES CALCULATED POSITION FOR ROD B (NOT FOUND)
- 7 DENOTES CALCULATED POSITION FOR ROD C (NOT FOUND)
- 8 DENOTES CALCULATED POSITION FOR ROD D (NOT FOUND)
- 9 DENOTES CALCULATED POSITION FOR ROD E (NOT FOUND)
- 10 DENOTES CALCULATED POSITION FOR ROD F (NOT FOUND)
- 11 DENOTES CALCULATED POSITION FOR ROD G (NOT FOUND)
- 12 DENOTES CALCULATED POSITION FOR ROD H (NOT FOUND)
- 13 DENOTES CALCULATED POSITION FOR ROD I (NOT FOUND)
- 14 DENOTES CALCULATED POSITION FOR ROD J (NOT FOUND)
- 15 DENOTES CALCULATED POSITION FOR ROD K (NOT FOUND)
- 16 DENOTES CALCULATED POSITION FOR ROD L (NOT FOUND)
- 17 DENOTES CALCULATED POSITION FOR ROD M (NOT FOUND)
- 18 DENOTES CALCULATED POSITION FOR ROD N (NOT FOUND)
- 19 DENOTES CALCULATED POSITION FOR ROD O (NOT FOUND)
- 20 DENOTES CALCULATED POSITION FOR ROD P (NOT FOUND)
- 21 DENOTES CALCULATED POSITION FOR ROD Q (NOT FOUND)
- 22 DENOTES CALCULATED POSITION FOR ROD R (NOT FOUND)
- 23 DENOTES CALCULATED POSITION FOR ROD S (NOT FOUND)
- 24 DENOTES CALCULATED POSITION FOR ROD T (NOT FOUND)
- 25 DENOTES CALCULATED POSITION FOR ROD U (NOT FOUND)
- 26 DENOTES CALCULATED POSITION FOR ROD V (NOT FOUND)
- 27 DENOTES CALCULATED POSITION FOR ROD W (NOT FOUND)
- 28 DENOTES CALCULATED POSITION FOR ROD X (NOT FOUND)
- 29 DENOTES CALCULATED POSITION FOR ROD Y (NOT FOUND)
- 30 DENOTES CALCULATED POSITION FOR ROD Z (NOT FOUND)

BASIS OF BEARING

WENT SET 3/4" SET BETWEEN A ROAD 3/4" FROM THE E. OF CORNER
 OF TAX NUMBER 1441 AND FOUND 3/4" FROM PIP IN CONCRETE
 POINT OF TAX NUMBER 1441, FOR SCALING RECORD IN N.E. 1/4, PLS. 41.

REFERENCES

- 1) RECORD OF SURVEY BY LAWRENCE E. OREN 1980, RECORDED IN
 REC. 2, AT PAGE 184.
- 2) RECORD OF SURVEY BY DAVID SCHLIMM 1981, RECORDED IN
 REC. 3, AT PAGE 43.
- 3) RECORD OF SURVEY BY DAVID SCHLIMM 1987, RECORDED IN
 REC. 4, AT PAGE 44.
- 4) RECORD OF SURVEY BY JAMES P. MEDDEL 1987, RECORDED IN
 REC. 5, AT PAGE 66.
- 5) RECORD OF SURVEY BY JAMES P. MEDDEL 1988, RECORDED IN
 REC. 6, AT PAGE 67.
- 6) RECORD OF SURVEY BY JAMES P. MEDDEL 1989, RECORDED IN
 REC. 7, AT PAGE 68.
- 7) RECORD OF SURVEY BY JAMES P. MEDDEL 1990, RECORDED IN
 REC. 8, AT PAGE 69.

NOTES

- 1) THE ATTORNEY HAS NOT MADE TO SHOW ALL PHYSICAL FEATURES
 OF THE PROPERTY, MEASUREMENTS OR DISTANCES ON EXHIBITS.
- 2) WATER LINE LOCATIONS ARE APPROXIMATE ONLY.
- 3) THE LOCATED WATER LINE APPEARS TO BE ABOUT A 2" LINE.
- 4) WATER VALVES WERE LOCATED AND SHOWN WITH TIES FOR REFERENCE.
- 5) THE PARTIAL OF THIS SURVEY IS FOR WATER RIGHT PLANS AS
 THEY ARE SHOWN IN SESS BOOK 74, PAGE 408.
- 6) BOOK 80, PAGE 7.

SURVEYOR'S CERTIFICATE

I, JON P. MONACO, REGISTERED PROFESSIONAL
 LAND SURVEYOR 4194, STATE OF IDAHO, DO
 HEREBY CERTIFY THAT THIS MAP REPRESENTS A
 SURVEY PERFORMED BY ME OR UNDER MY DIRECT
 SUPERVISION IN ACCORDANCE WITH THE LAWS
 OF THE STATE OF IDAHO.

4/22/12
 JON P. MONACO
 4194

EMPIRE
SURVEYING &
CONSULTING, INC. P.O. BOX 12
 HAYDEN LAKE, ID. 83836
 (208) 772-8661
 (208) 772-6682 FAX
 EMAIL: ESEN@EMPIREID.COM
 WEBSITE: WWW.EMPIREID.COM

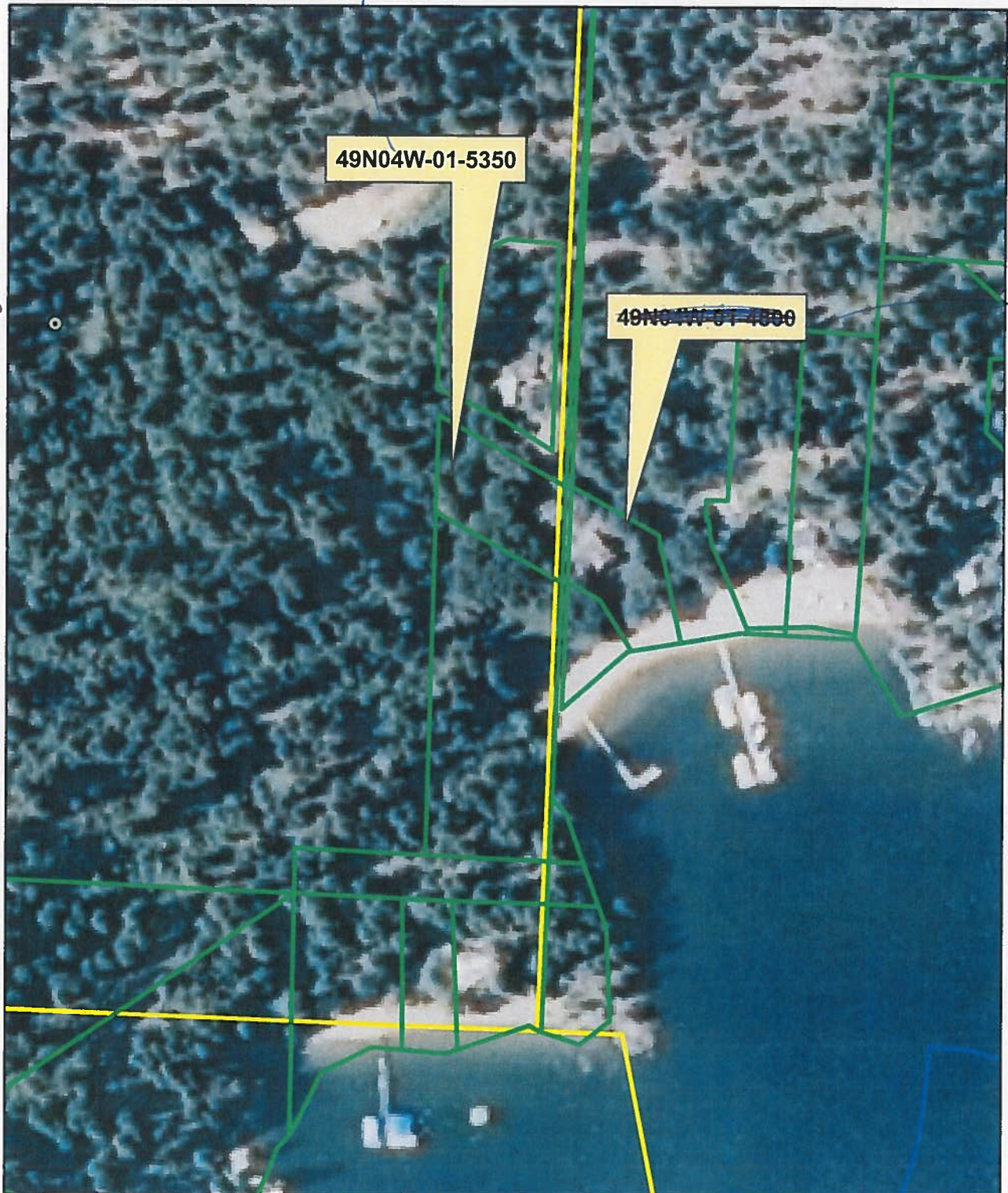
DATE	1340-101	1340-091	1340-01A	1340-01B	1340-01C	1340-01D	1340-01E	1340-01F	1340-01G	1340-01H	1340-01I	1340-01J	1340-01K	1340-01L	1340-01M	1340-01N	1340-01O	1340-01P	1340-01Q	1340-01R	1340-01S	1340-01T	1340-01U	1340-01V	1340-01W	1340-01X	1340-01Y	1340-01Z
BY	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM	JPM

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FITZNER & PHILLIPS PIN 49N04W-01-8175

Possible Spring location
↓

Correct parcel #



incorrect

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STATE OF WASHINGTON, }
County of Spokane } ss.

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 28th day of September, 1923, personally appeared before me Addie Ady, Widow for three years, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as her free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal the day and year last above written.

Alex Allardyce

Notary Public for State of Washington, Residing

(Notarial Seal)

At Spokane.

State of Idaho }
County of Kootenai } ss.

I hereby certify that the within instrument was filed for record in the office of the County Recorder of said County, on the 2d day of Nov. A. D. 1923, at 9 o'clock and 12 minutes A.M., at the request of T. J. Sly and recorded in Book 80 of Deeds on page 7.

C. O. Sowder, County Recorder.

Fee 60¢

By Carrie Nelson, Deputy.

Deeds Book 80 Pg. 7
(I. R. Stamp \$1.00)

26101

WARRANTY DEED

This is just one Deed, showing our right to use this spring - of several

THIS INDENTURE, Made this 27th day of May, 1922, between John F. Casper, and Elizabeth Casper, husband and wife, of the City and County of Walla Walla, State of Washington, parties of the first part and Adam Henry Irving, and Eva M. Irving, husband and wife, of the City and County of Spokane State of Washington, parties of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of \$833.33, to them in hand paid by the said parties of the second part, and the parties of the second part released therefrom, have granted, bargained, sold, remised, released, and alienated, and by these presents do bargain, grant, sell, remise, and alienate, unto the said parties of the second part, and to their heirs, and assigns, forever, all the following described parcel of land, situated and being in the County of Kootenai,

Parcel # 49 N 04 W - 01 - 5350

Lisa Fitzner & Terry Phillips

SCANNED
JUN 14 2010

See next

Page

SCANNED
MAY - 3 2010

TERRY PHILLIPS & LISA FITZNER

State of Idaho, and known and described as follows, to-wit:

Beginning at a point 169 feet West, and 396 feet North, of the supposed Southwest corner of Lot Six (6), Section One (1), in Township Forty-nine (49), North of Range Four (4), W. B. M. The true corner bears South 48.-06', West 66.1, feet, from the supposed corner Thence North 108.7, feet, Thence South 62.-30', East along a private road 268 feet; Thence South 15., East Paralell, and forty feet distant from the property formerly conveyed to Phil T. Beecher, to the shore line of Lake Coeur D'Alene; thence Westerly along the shore line aforesaid, to the Boundary line of the property conveyed to Bert Thomas, and Orville G. Thomas; Thence North 34.- West about 100 feet, Thence West 205.2 feet to the place of beginning. Beging part of Lot Six (6), and the Northeast quarter of the Southwest quarter, of said section One (1), containing .68, Acres.

Also a one third interest in a Spring located on the Northeast quarter, of the Southwest quarter, of Section One (1) in Township Forty-nine (49), North of Range Four (4), W. B. M. from which the supposed Southeast corner of the said Northeast quarter of the Southwest quarter bears South 39.-40', East 850 feet from said Spring, The true corner of the Northeast quarter of the Southwest quarter bears south 48.-06', West 66.10 feet of the supposed corner said Spring being identified by a 14 inch Birch tree, now growing and being marked with three notches, and located approximatelt 10 feet South of said Spring, together with the right to pipe the water from said Spring across the said Northeast quarter of the Southwest quarter, of said section One.

Spring

Also the right to use a Roadway Forty feet in width, along the North and East Boundary of the John Casper land, with the perpetual right of ingress and egress, along and over the same. This Roadway not to be used to haul wood or timber of and kind, during June, July, and August, and is not at any time to have a building or structure placed thereon.

To-gether with all and singular the hereditaments and appur tenances thereunto belonging, or in any wise appertaining, and the reversio_, and reversions, remainder, and remainders, rents, issues and profits thereof, and all the estate right, title, and interest, claim or demand whatever, of said parties of the first part, either in law or equity, of in and to the above bargained premises, with the hereditaments and appurtenances, to have and said premises above bargained and described, with the appurtaances, to the said parties of the second part, their heirs and assigns forever.

And the said parties of the first part, for their heirs, executors, administrators and assigns, do co venant, grant, bargain and agree, to and with the said parties of the second part, their heirs and assigns, that at the time of the execution and delivery of these presents, they are well seized of the premises above conveyed as as of good sure, perfect, absolute, and indefeasable inheritance at law, and fee simple, and have good right, ^{and} full power and lawfull authority, to grant, bargain and sell, and convey the same in manner and form aforesaid, and that the same are free and clear of any and all former grants, bargains, aliens, taxes, and assessments, or incumbrances whatever, and the above bargained premises in the quiet and peaceable possession of said parties of the second part, their heirs and assigns, against all, and every person, or persons, lawfully claiming the whole or any part

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MAY - 3 2010
JUN 14 2010

(2)