

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 95-16187Date Received: 06/14/2010Receipt No: N024922 BReceived By: dm

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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

208-664-5378 home

1. Name of Claimant(s) Lisa Fitzner and or Terry Phillips Phone (480-223-3786 cell)Mailing Address Marine Route Twin Beaches, Coeur d'Alene ID 1D Zip 83814
Street or Box City State2. Date of Priority: (Only one per claim) 11/26/1901
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other (X) (a) Lake Coeur d'Alene
which is tributary to (b) Spokane River4. Location of Point of Diversion is: Township 49N, Range 4W, Section 1,
NW 1/4 of SE 1/4, or Govt. Lot 4 BM. County of Kootenai;
Parcel (PIN) no. 49N04W-01-5350Additional points of diversion if any: NAIf available, GPS coordinates: NA

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.

Submersible pump with water line to
garage and home.

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) one homeSCANNED
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9. Location of Place of Use is: Township 49N, Range 4W, Section 1,
NW 1/4 of SE 1/4, Govt. Lot 6 BM. Parcel (PIN) no. _____

If different than shown in Item 4

for (Check One) **Domestic** (X) **Stock** () **Domestic and Stock** ()

Additional places of use, if any NA

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 (X) 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.

13. Remarks: We also have rights to use a spring for the same purposes -
Depending upon flow from the to spring - we use
either lake water or spring water - see attached
spring application.

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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

X Number of attachments: 2 ~~1~~ 3 - photo & Chain of title

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. Luper Date: 4-13-2010
George E. Luper Date: 4-13-2013

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 _____

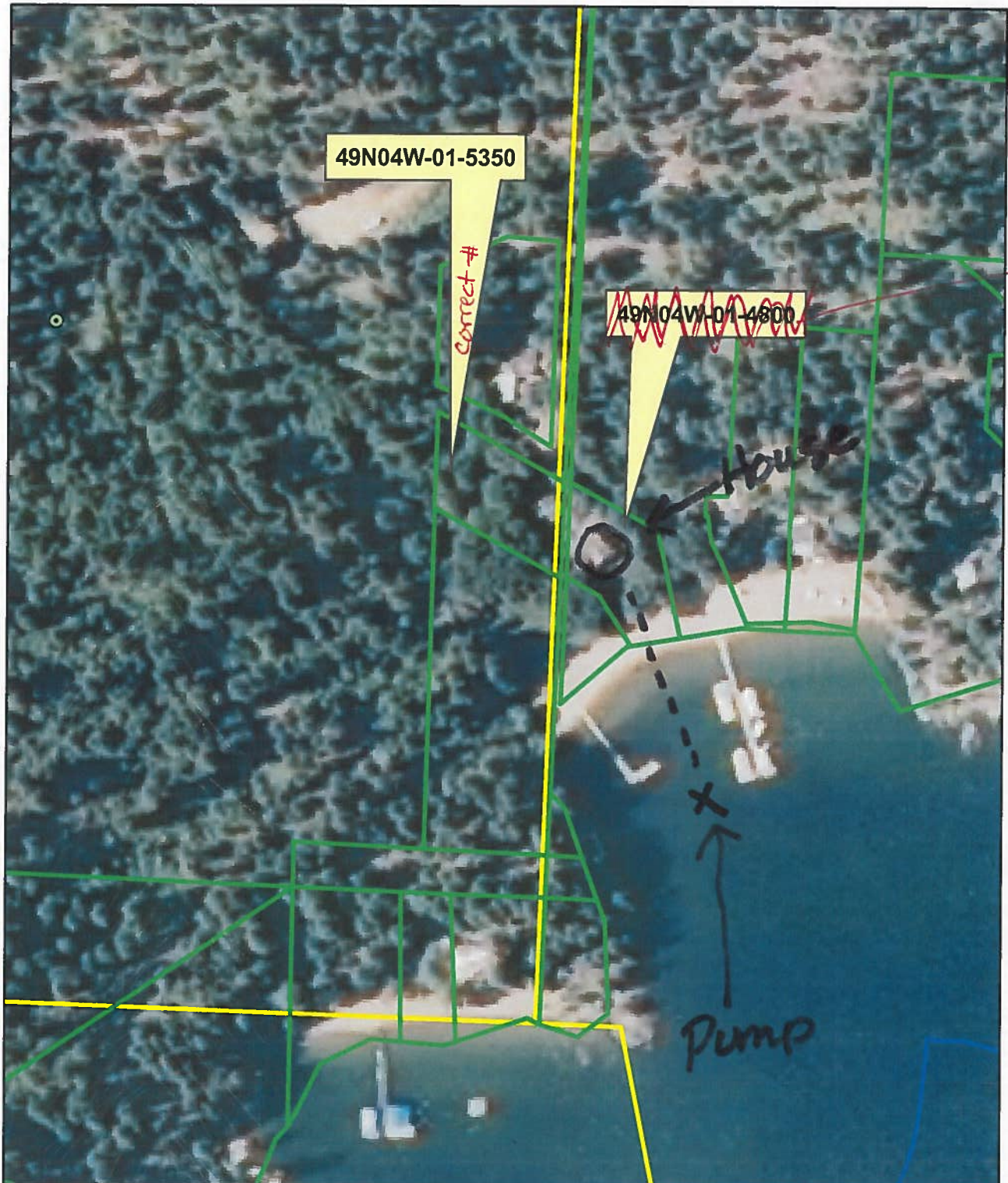
Address _____

Date _____

Last Name _____ Identification No. _____

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FITZNER & PHILLIPS PIN 49N04W-01-8175



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Index to Lands—Kootenai County Idaho

Sec. 1

Twp. 11

Range 4

West

GRANTOR	GRANTEE	Book	Page	Date Recorded			Instrument	N. E. 1/4				N. W. 1/4				S. E. 1/4				S. W. 1/4				REMARKS
				Mo.	Day	Yr.		NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
Edw. Greenfield.	Nancy A. Greenfield	34	303	7	22	09	D	2	1	3	3													
United States	Chas. Greenfield	5	190	5	5	11	Pat. 1																	
"	Albin Anderson	1	228	11	26	01	"																	
Albin Anderson	P. T. Becker	8	21	11	17	03	D																	part
"	Elizabeth Winters	12	441	4	14	11	D																	"
"	Richard Halliday	45	304	4	28	11	D																	"
"	"	45	32	10	9	11	D																	"
P. C. Halliday	Elizabeth Winters	12	439	4	14	11	D																	"
Phil T. Becker et al.	Wash. Water Power Co.	45	299	11	15	11	Dee																	"
W. N. Broussard	N. S. Coventry	46	434	4	26	12	D					4												
Albin Anderson	Wash. Water Power	34	407	10	11	09	D																	
Geo. P. Dodson	Chas. H. Jones	34	528	9	24	09	D																	
Edw. Nelson	John L. Nelson	19	115	4	26	06	D																	
John Nelson	Cold Boat Club	30	499	11	14	08	D																	part
Nancy A. Greenfield	Chas. Greenfield	59	132	11	27	15	D	2		3														part
P. C. Halliday et al.	John Casper	71	560	10	20	20	D																	part
Albin Anderson et al.	John F. Casper	74	458	11	21	21	D																	part
Albin Anderson et al.	Robert Thomas	74	407	11	21	21	D																	part
John F. Casper	Adam H. Irving	80	7	11	2	23	D																	part
Crowd's Lake Boat Club	Ind. Colquhoun	83	486	11	6	24	D																	part
Daisy L. Lee	Wm. E. Dwyer	84	362	6	11	25	D																	part
William E. Dwyer	Geo. A. Phillips	84	363	6	11	25	D																	part
Albin Anderson et al.	John F. Casper	84	583	9	12	25	D																	part
"	"	86	15	6	10	26	D																	part
Elizabeth Winters	Edw. Bruce	86	80	7	9	26	D																	part
John L. Nelson	J. S. Colquhoun	89	344	4	21	28	D																	part
John F. Casper et al.	Myrtle Paulsen	92	333	2	16	28	D																	part
"	Orville E. Thomas	92	360	2	18	28	D																	part
"	Phil T. Becker et al.	92	357	5	18	28	D																	part
J. S. Colquhoun et al.	Spokane Merchants	92	378	6	8	28	D																	part
Neil S. Coventry et al.	Margaret Coventry	90	279	12	2	29	D																	part
Spokane Merchants Association	American Inv. Co.	94	476	4	23	29	D																	part
George A. Phillips	Robert A. Paterson	95	602	6	11	30	D																	part
Robert A. Paterson	J. C. White	95	615	7	11	30	D																	part
American Inv. Co.	American Inv. Co.	96	660	10	10	30	D																	part

Chain of Title for parcel # 49 N 04 W-01-5350
 USA Fitzner & Terry Phillips
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Twp. 49

Range 4

GRANTOR	GRANTEE	Book	Page	Date Recorded			Instrument	N. E. 1/4				N. W. 1/4				S. E. 1/4				REMARKS
				No.	Day	Yr.		NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
John L. Nelson et al	Henry Larson et al	96	567	7	18	31	Deed													
American Trust Co.	Maude A. Lindsay	97	362	5	3	32	W.D.													
Edwin Henry Irving	Muriel J. Irving	100	360	7	3	33	"													also spring
Probate Court, Heirs of	Bert Thomas	14	162	9	4	34	Deed													Part also right to spring
Orville B. Thomas	John A. Reinhardt et al	101	602	10	6	54	W.D.													Part also right to spring
American Trust Co.	Phyllis M. Lindsay	102	353	4	3	35	Deed													78 Int in spring
Phil T. Bechert et al	Grace E. Butts	104	304	12	16	35	W.D.													
Margaret Coventry	Berna Coventry	104	490	2	18	36	W.D.													
Probate Court Heirs of	Neil S. Coventry	15	274	4	27	36	Deed													
Nancy A. Greenfield	Charles Greenfield	103	391	9	25	"	W.D.	2	"	5	3									
Kathryn Green et al	Edward Bruskett	C	83	10	13	36	Deed													
Probate Court Heirs of	George P. Dodson	16	92	2	27	37	Deed													
Kathryn Green et al	Edw Bruskett et al	C	198	8	24	37	W.D.													
John L. Nelson et al	Harold T. Bergquist	107	344	12	30	37	W.D.													Shiriff's Cert of Sale
Shiriff M. Millan	Kathryn Green	110	13	9	7	38	W.D.													also part
Susan Anderson et al	Neil S. Coventry	110	110	10	6	38	W.D.													
Edw P. Brusseau	" " "	110	109	10	6	38	"													
Berna Coventry	J. A. Millheiser	112	57	6	1	39	W.D.													
John L. Nelson et al	Henry Larson et al	111	423	11	4	39	"													
Probate Court Heirs of	Meta B. Dodson	18	223	10	16	40	Deed													Part of Lot 1.
" " "	Alexander J. Lindsay	19	201	2	16	42	"													also Spring
Podrick A. Lindsay	Phyllis M. Lindsay	119	205	4	2	42	W.D.													
Edwin S. Matthews	Dorothy E. Matthews	119	204	4	2	42	"													Part
Probate Court	Kathryn Green	20	54	5	3	43	Deed													
Albin Anderson et al	C. W. Hull et al	121	603	6	8	"	W.D.													Exemptions
J. A. Millheiser	Ernest Anderson	125	103	7	20	44	"													
James H. Green	James A. Green	125	386	12	5	44	"													
Maude A. Lindsay	J. Colin Lindsay	130	249	3	22	46	"													also Interest in sp
" " "	Donald P. Lindsay	130	247	3	22	46	"													"
" " "	Phyllis E. Lindsay	130	248	3	22	46	"													"
Probate Court	Edw Bruskett et al	21	604	5	3	46	Deed													"
" " "	John A. Reinhardt	22	45	8	20	46	"													also Int in spring
A. W. Fahremwald	George H. Smoots	133	168	8	28	46	W.D.													Part also easement
Grace H. Butts	A. W. Fahremwald	133	106	8	16	46	"													Part " "
Muriel Lindsay	James A. Green	135	120	4	24	47	W.D.													
" " "	J. Colin Lindsay	135	120	4	24	47	"													

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Manatron GRM - ShowNotes - NotesSelect - Microsoft Internet Explorer provided by Kootenai County

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Address http://sinope2/GRM_Public/WebUI/Framework/NotesSelect.aspx?CurrentTask=6504d2f9-14c2-4d50-85da-dca6f631fcb5&App=Framework&Task=ShowNotes Go Links

Public Access Tax Information Center

MANATRON

Effective Versioning

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Maintain Notes

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Effective Date	Notes	Keywords	Created By
2/13/2009	CANCEL TO ADD HO EX TO 4 MOS OCC 90,030 TO 67,523		BW
1/1/2007	SWITCHES PRIMARY ONLY	Title History	VMW
12/8/1999	=====	Title History	
	ANNX #1616477 12/8/1999 JJ 3/24/2000		
	GRANTOR:		
	GRANTEE:		
	COMMENTS: ANNEXED INTO MICA KID ISLAND FPD FOR 2000 FROM TCA 031-000 TO 249-000		
8/10/1999	=====	Title History	
	WD #1601720 8/10/1999 LM 9/2/1999		
	GRANTOR: MURGITTROYD - MONIKA D; MURGITTROYD - MILBURN I; ARNAUD - EVANNE M		
	GRANTEE: PHILLIPS - TERRY L; FITZNER - LISA E		
	COMMENTS: EACH UNDIV 1/2 INT NM/ADD CHG		

Done Local Intranet

start Internet Explorer

* Mabel Irving Murgittroyd transferred property to her children - who then sold it to us.

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Lisa E. Fitzner and Terry L. Phillips
Marine Route Twin Beaches, Coeur d'Alene, Idaho 83814 (mailing address)
6421 S. Thirteen Hundred Rd. Coeur d'Alene, Idaho (physical address)
480-223-3784 or 208-664-5378

April 10, 2010

Idaho Department of Water Resources
7600 Mineral Dr. Suite 100
Coeur d'Alene, Idaho 83815

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MAY 03 2010

IDWR / NORTH

RE: Water Right for Parcel # 49N04W-01-5350

Dear Sir/Madame:

We are writing in order to establish an official water right from Lake Coeur d'Alene and a private spring located near our home at Twin Beaches, Coeur d'Alene (parcel number 49N04W-01-5350).

Our property on Lake Coeur d'Alene was homesteaded in the late 1800's however Kootenai County did not record the transfer of our property until November 26, 1901 (see attached document). Mr. Albin Anderson, his wife, and eight children resided on the homestead until it was sold in 1921. Information about Mr. Anderson, and his property, can be found in the book Swede Homestead by Nancy Mae Anderson Larson. The following succession of property owners can be seen in the Kootenai County Records office or in the enclosed attachment.

Albin Anderson (homesteader) recorded 1901

John F. Casper – recorded in 1922 (see attached document)

Adam H. Irving – recorded in 1923

Muriel Irving Murgittroyd and heirs- recorded in 1933 (property was leased to Fred Harris for 10 years but not sold).

Lisa E. Fitzner and Terry L Phillips Family Trusts – current owners since 1999.

As our property is located directly on the shore of Lake Coeur d'Alene, and , based upon conversation with "old timers", I am certain that all of the above owners utilized the lake for some portion of their water use. For this reason we are declaring that the water right for our property began in 1901 when Albin Anderson's homestead was recorded. When we purchased the property, there was already a functioning pump installed in the lake. We utilized the existing device to pump water from Lake Coeur d'Alene for several years. Recently, we replaced the older pump with a newer model. We do not know the date of installation for the earlier pump.

In addition to using the lake for water, previous owners also took drinking water from a nearby spring. A 1/3rd right to a spring was deeded to our property by the original homesteader (Albin Anderson) when he sold the property in 1921 (see attached diagram legal description). This water right was clearly

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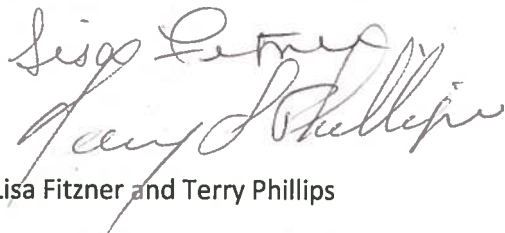
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attached to our property and was passed down to each successive land owner. Because we can't clearly see the location of the spring, we did not mark it on the photograph. The following legal description for the spring is provided with the deed for each successive owner of our property:

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 approximately 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 (see attached document).

If you have questions concerning our application, please feel free to contact me at 480-223-3784.
Thank-you for your continued interest and concern regarding Idaho's precious waters.

Sincerely,

Handwritten signatures of Lisa Fitzner and Terry Phillips in cursive script.

Lisa Fitzner and Terry Phillips

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Jun 14 2010

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