

NOTICE OF ERROR
REPLY

RECEIVED
APR 20 2018

IDWR/NORTH

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 30, 2018

Water right number: 95-4706

CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE ID 83814
Telephone Number: 2089292507

— SOLR PROPERTY OWNER

~~SHANNON ANDERSON VARELA~~
~~5803 WEST RIVERVIEW DR~~
~~COEUR D ALENE ID 83814~~
~~Telephone Number: 2089292507~~

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

CLAIM WAS INITIALLY DISALLOWED.

2. Describe the changes you wish to make in the proposed recommendation:

*APPROVAL OF WATER RIGHT FOR 10 ACRES
IRRIGATION.*

3. Give a brief explanation as to why you disagree with these portions:

SEE ATTACHED DOCUMENTATION.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4-20-18

SIGNATURE:

Chris Varela

Please print your name:

CHRIS VARELA

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

RECEIVED
APR 20 2018
IDWR / NORTH

GENERAL AFFIDAVIT

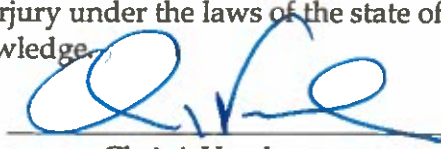
State of Idaho
County of Kootenai

I, the undersigned, am over the age of 18 and a resident of the state of Idaho. I have personal knowledge of the facts in this affidavit, and, if called as a witness, could testify competently about them. I do hereby swear, certify, and affirm regarding the property located at 5803 West Riverview Drive (hereafter referred to as the Farm"), that:

1. Myself and my family have been owners and continuous residents of the farm (consisting of approximately 160 acres since 1978 (the original homestead parcel). The property was purchased directly from the Dahlberg's in 1978. In 1981, my father sub-divided 10.16 acres which consisted of the house and various barns and surrounding pastures and sold it outside the family which subsequently went through a series of other landowners until 2002 when I purchased the property back. I have been the Owner of the split-off 10 acres since 2002 and a family member and/or a trustee of the original remaining homesteaded parcel (approximately 160 acres) since it's purchase from the Dahlberg in 1978.
2. During the years since my family purchased from the Dahlberg's in 1978, and my re-purchase of the split-off 10-acre parcel, I have lived and worked there many years, both as a young teenager, working for the Dahlberg's before they sold to my parents, during subsequent years for my father and later as a father raising three children there. Over the decades, I have gained very detailed and intimate knowledge of the farms features, including the on-site water resources and it's uses.
3. Since 1978, when myself and my family moved to the property, I personally observed (and personally worked-on) an existing hand-dug well and an adjoining pond located at the South-West corner of the property (near the driveway entry from the County road) which was used by the prior owner for their dairy operations and irrigation for yards and pastures adjacent to the house and the barns. The water was pumped from that well/pond to a concrete reservoir located at the top of the pasture above the house and barns, where it was distributed accordingly.
4. Since my father's purchasing the property from the Dahlberg's in 1978 as well as since my repurchase of the split-off parcel, the water source described above has been used by the property for pasture irrigation and other incidental purposes.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct to the best of my knowledge.

Date: March 22, 2018


Chris J. Varela

GENERAL AFFIDAVIT

State of Idaho
County of Kootenai

I, the undersigned, am over the age of 18 and a resident of the state of Idaho. I have personal knowledge of the facts in this affidavit, and, if called as a witness, could testify competently about them. I do hereby swear, certify, and affirm the following regarding the property located at 5803 West Riverview Drive (hereafter referred to as the Farm"), that:

1. Myself and my family have been adjacent neighbors to the farm since the late 1950's spanning over 55 years. My family homesteaded property adjacent to the that farm property in approximately the same timeframe (1903-1907) and remain adjacent property owners to the present day.
2. I grew-up with and was a longtime friend of Jim Dahlberg (one of the sons of Clarence & Alice Dahlberg previous Owners of subject property) who began living at the farm after they purchased it in 1957. I spent considerable time on that farm over the years that the Dahlberg's lived at that farm.
3. I personally observed that there existed a hand-dug well and an adjoining pond located at the South-West corner of the property (near the driveway entry from the County road) which was used by the farm for their dairy operations and irrigation for yards and pastures adjacent to the house and the barns. The water was pumped from that well/pond to a concrete reservoir located at the top of the pasture above the house and barns, where it was distributed accordingly.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct to the best of my knowledge.

Date: 4-17-18

Paul Miller

Paul Miller

9

Township No.

50

Range No.

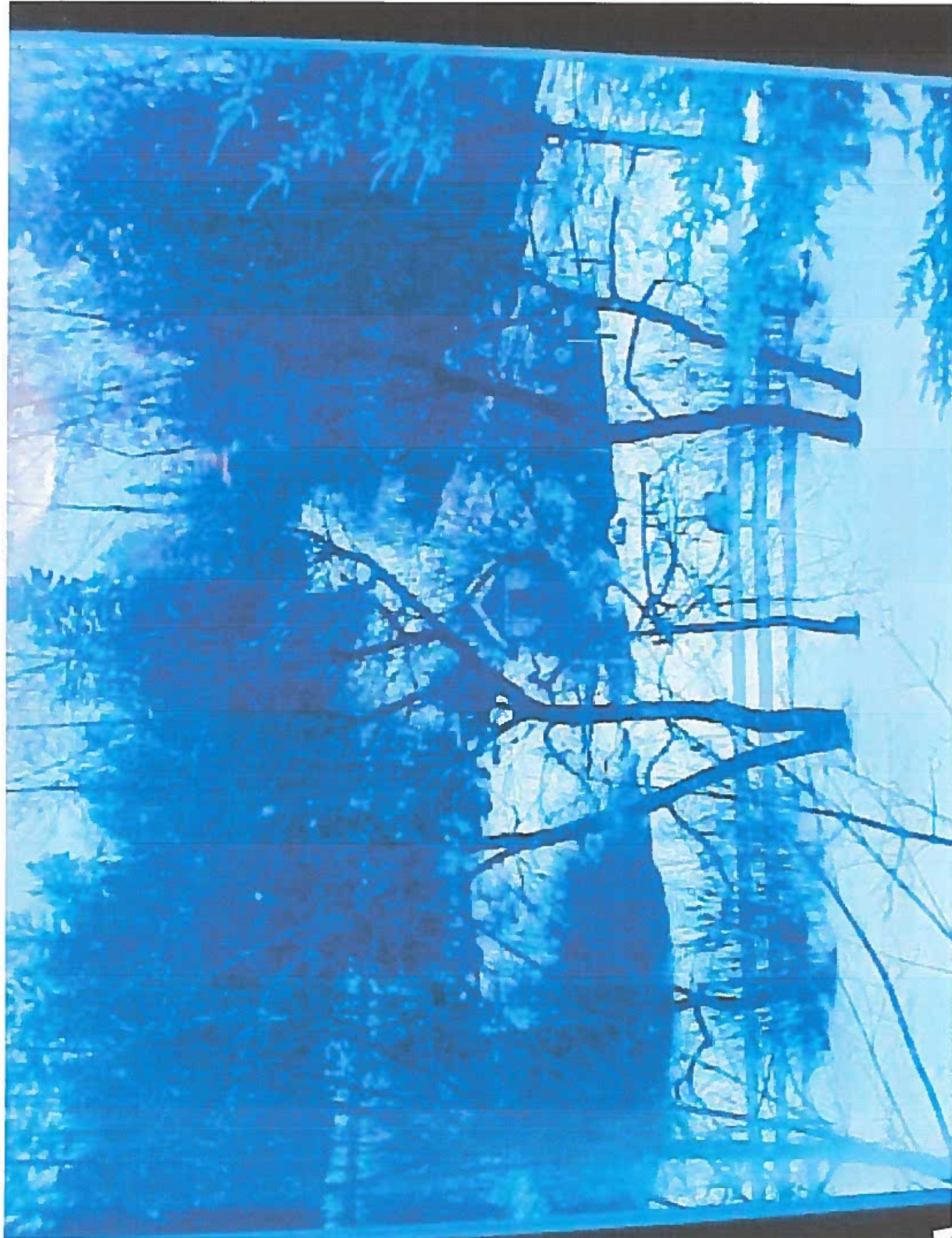
4W

B. M., Kootenai County, Idaho.

SECTION No. 9		GRANTOR	GRANTEE	Date Filed	Inst.	Book	Page	Subdivision	N.E. 1/4	N.W. 1/4	S.E. 1/4	S.W. 1/4
		Vaughn P. Donald	C Paul Sandifur	9-25-79	among Cont	302	159	Pt Lot 8				
		District Court	Vaughn P. Donald	2-8-80	Div. Dec	105	474	✓ ✓				
		Hunt Bros. Const.	Great Northern Land & Dev.	3-21-80	Mem. Cont.	106	153	Pt Lot 3				
		Sherman W. Schrock Jr.	Met. Mfg. & Sec. Co.	10-6-80	Dec. Hom	109	744	Pt Lot 8				
		C. Paul Sandifur	Burlington Northern	2-20-80	g.c.d.	310	522	✓ ✓				
		Richard B. Ogilvie	Great Northern Land & Dev.	3-9-81	Trustee D	311	547	Part				
		Hunt Bros. Const.	Ryan International	3-27-81	Lis. Pending	112	637	Part				
		Smith, Smith	Lee Co.	6-2-81	Survey	3	48	Lots 3 & 4				
		Smith, Smith	Lee Co.	6-2-81	Survey	3	49					
		M. R. Varela	Jack Kerkuta	1-17-81	Mem. Cont.	113	921	1.5 acres				
		James W. Donald et al	Vaughn P. Donald et al	6-25-81	g.c.d. of water	313	335	Pt of Lot 8				
		Vaughn P. Donald et al	James W. Donald et al	"	"	313	336	"				
		Meckel Eng.		7-9-81	Survey	3	85					
		M. R. Varela	Kootenai Electric	9-4-81	Rw	314	574	Pt. Lot 8.				
		Hunt Bros. Const. Inc.	E & W Inv. Co.	9-10-81	g.c.d. of water	314	652	Pt Lots 3 & 4				
		Woodrow Shockey et al	H. E. Magnuson et al	2-4-82	WD	316	556	Pt Lot 5				
		Hunt Bros. Const. Co. Inc.	M. R. Varela (Jr.)	2-4-82	Survey	117	853	Tap # 425				
		Fred Hartnett	E & W Inv. Co. Inc.	9-30-82	g.c.d.	121	840	Pt Lots 3 & 4				
		W. W. Acceptance		1-3-83	✓	123	489	✓ ✓				
		Fred Hartnett		1-17-83	Survey	123	961	✓ ✓				
		Kootenai Co. Sheriff	Fred Hartnett	5-22-83	g.c.d. of water	124	909	✓ ✓				
		U.S. Bankruptcy Court	Hunt Bros. Est.	6-1-83	Order	126	213	✓ ✓				
		Eugene C. Youngman	Robert D. Rich	6-9-83	g.c.d.	323	980	11' 0" E. 313' Lot 8				
		State of Idaho	Kootenai County Dist.	7-20-83	Minute	127	137					
		Kootenai Co. Sheriff	Fred Hartnett	11-30-83	Survey D	327	150	Part				
		City of Shuster		12-2-83	Ord # 17	129	545	Part (new boundaries)				
		"		12-30-83	Ord # 18	129	987	✓ ✓				
		Reford & Frame	City of Shuster	1-4-84	Legal Desc	130	140	✓ ✓				
		City of Shuster		1-10-84	Ord # 19	130	161	✓ ✓				
		"		1-15-84	Ord # 20	130	241	✓ ✓				
		Diamond International Corp	Diamond Group Inc	4-10-84	Corp D	329	518	Pt Lots 1, 2 & 3				
		Diamond Group Inc.	Diamond Participations Inc	"	"	329	524	✓ ✓ ✓				
		City of Huetter		5-22-84	Ord # 25	132	835	De-Annexation (Part)				
		Daw Forest Products Co. Inc.	Daw Forest Products Co. L.P.	6-1-84	Ord	330	746	Pt Lots 1, 2 & 3				
		Milton Borth		8-31-84	Survey	4	50	5 1/2 of SE 1/4				
		Shonnie Kerkuta		3-19-85	Dec. Hom	139	247					
		Idaho State Industries	Shonnie Kerkuta	5-10-85	g.c.d. of water	140	421	Pt Lot 4				
		Meckel Engineering & Surveying	M. R. Varela et al	8-7-86	Survey	4	396	Pt of section (also 8-52-44)				
		Hunt Brothers Const. Co. Inc.	Jack Kerkuta et al	8-7-86	Release (2nd memo. 8/26/86 for water & electric)	150	386	10 acres				
		M. R. Varela et al	Shonnie Kerkuta	✓	g.c.d.	345	592	1.5 A.				
		Jack Kerkuta	Joseph S. Bajak et al	✓	WD	345	593	10 A.				
		Jack Kerkuta et al	Jack Kerkuta et al	8-11-86	WD	345	605	11.5 A.				
		M. R. Varela et al		3-4-87	Survey	5	93	5 1/2				
		J. U. B. Engineers	Idaho Forest Ind. Inc.	11-10-86	g.c.d.	347	462	Point Lot 4				
		Burlington Northern R.R. Co.	Idaho Forest Co.	1-8-87	WD	348	868					
		Robert L. Long et al	Coeur d'Alene Fiber Fuel, Inc.	4-22-87	Lis.	156	306	W. Cont. Lot 4 & 2. RW				
		Idaho Electric & Light Co. Inc.	Diamond International	7-21-87	Survey	6	129	Pt Lots 1, 2 & 3				
		Robert Nobis	Shonnie Kerkuta	5-21-87	Survey	156	858	7/11/14 Cont. Lot 4 & 2. RW				
		Idaho Electric & Light Co. Inc.	James Bernard M. Donald	6-25-87	g.c.d. WD	351	956					
		Idaho Forest Industries, Inc.	Coeur d'Alene Fiber Fuel, Inc.	6-30-87	Pt of section	157	820	7/11/14 Cont. Lot 4 & 2. RW				
		Idaho Electric & Light Co. Inc.	Idaho Forest Ind. Inc.	7-10-87	g.c.d. of water	352	291	Pt. Cont. Lot 4				
		Idaho Electric & Light Co. Inc.	Idaho Forest Ind. Inc.	7-27-87	Release	158	279	Pt. Cont. Lot 4				
		Mario R. Varela	Mario R. Varela	9-5-88	g.c.d.	112	7453					
		Sherman W. Schrock et al	Eugene R. Neff et al	11-7-88	g.c.d. of water	113	575	Pt. Cont. Lot 8 (approx)				
		Sherman W. Schrock et al	James Donald et al	11-14-88	g.c.d. of water	113	4020	Pt. Cont. Lot 8				

SECTION No. 9

GRANTOR	GRANTEE	Date Filed	Int.	Book	Page	Subdivision	REMARKS
Probate Court	Heirs						
Paul E. Lusk	Kate J. Lusk	2-4-50	dec.	24	43	Lot 6	
Chicago, Mil. & St. Paul Pac. M. Co.	Virgie C. Moody	1-8-54	wd	155	179		
O. W. Lapham	Atlas Tie Co.	2-8-51	gcd.	157	361	Lot 4	
U.C. Moody	H. B. Seiler	5-9-55	wd	160	161		
Neal R. Fosseen	Neal R. Fosseen	8-7-55	"	162	182		
Great Nor. Ry. Co.	Wash. Brick & Lime Co.	1-26-56	"	161	164	30 acres	
" " " "	Atlas Tie Co.	8-9-56	gcd.	164	546	Lot 4	
" " " "	Atlas Match Co.	8-30-56	"	165	123	Lot 3	
Uggil C. Moody	Chas. W. Dahlberg	1-23-57	wd	166	473		
Probate Court	Robert J. Gange Estate	1-13-57	dec.	170	436	Part	
Atlas Tie Co.	Nor. Pac. Ry. Co.	6-20-57	Ease	168	474	Lot 4	
Hunt Food & Ind. Inc.	" " " "	"	"	168	478	Lot 3	
Neal R. Fosseen	Wash. Brick & Lime Co.	6-27-57	gcd.	168	538	NW	
Wash. Brick & Lime Co.	Carlton E. Gaudge	7-3-57	wd	169	28	Part also NW	
Atlas Tie Co.	Norther Pac. Ry. Co.	2-28-58	"	172	59	Lot 4	
" " " "	Resent Rogers	6-9-58	gcd.	173	270	Lot 3	
Carlton E. Gaudge	Uggil C. Moody	3-17-59	wd	177	355	Also NW	
Hunt Food & Ind. Inc.	Warren Gardner Corp.	4-20-59	D	177	580	Lots 1, 2 & 3	
Emma Peterson	Will Shackley	4-28-59	wd	180	371	Lot 5 line T&E	
Will Shackley	Carl Shackley	"	"	180	372	Lot 15 T&E 5028	
" " " "	John J. O'Conne	5-29-59	"	180	394	" " " " 5029	
" " " "	C. Norman Shackley	1-4-60	"	180	448	" " " " 5031	
" " " "	Woodrow Shackley	2-23-60	"	181	217	" " " " 5052	
" " " "	Ernie Shackley	5-23-60	"	182	173	" " " " 5078	
H. B. Seiler	William Stengerg	5-17-61	"	185	472		
Highway Dist. #1	Diamond Tilt Corp.	7-6-61	Dec. NW	38	350	Lot 1	
Atlas Tie Co.	Lawrence W. Wainwright	8-9-61	Acres	11	101	Lot 4	
Will Shackley	Carl A. Shackley	4-4-62	wd	183	512	Lot 5 line T&E NW	
Probate Court	Paul R. Knicker	9-10-62	dec.	40	340	Lot 6 (Part)	
Esther Hazel Miller	James H. Donald	5-22-64	wd	197	50	Lot 8 also NW	
" " " "	Robert Pauline Best	"	"	197	51	Lot 7	
Paul Rosebroom Miller	Paul R. Miller Jr.	"	"	197	49	W 5 acres of Lot 8	
Esther Hazel Miller	" " " "	"	"	197	52	Lot 8	
Probate Court	Heirs Paul R. Miller	4-24-64	dec.	44	457	Lot 8 & Lot 7	
Th. & J. Buntell Co.	Diamond Tilt Corp.	2-25-66	Acres	24	504	Lot 1 & 2	
" " " "	" " " "	3-23-66	Lot 1 & 2	47	298	Lot 1 & 2	
Williams Stengerg	Richard A. Kelly	2-28-69	wd	227	294		
Robert J. Gange	H. L. Magnuson	6-28-69	Option	158	4	Lot 6	
James W. Donald	Vaughn P. Donald	3-14-75	gcd.	270	597	Lot 8	
District Court	Heirs Esther O'Conne	8-4-76	decree	84	413	Lot 5	
Burlington Water Power	Grand Avenue	7-12-77	Rel. of Case	284	201	Lot 1	
Diamond Int. Corp.	Kootenai Electric Co. of	8-22-77	NW Case	285	132	Lot 1	
Burlington Builders Inc.	Hunt Bros. Const.	10-11-77	gcd.	284	175	Lot 5 & 4	
Vaughn P. Donald	James H. Donald	11-20-77	gcd	287	243	Lot 8	
James H. Donald	Vaughn P. Donald	11-22-77	"	287	245	"	
Chas. W. Dahlberg	M. A. Varela	2-15-78	wd	289	32		
" " " "	" " " "	"	"	289	33		
Hunt Bros. Const. Inc.	Idaho Forest Ind. Inc.	2-16-78	gcd.	289	44	Re Alexander Burlington L.R. NW NW	
Woodrow Shackley	Woodrow Shackley	"	By H.R.	289	47	Lot 14 (Lot 5)	
James W. Donald	Vaughn P. Donald	4-14-78	Acres	92	900	Lot 8	
Paul R. Miller Jr.	" " " "	"	Ease	290	345	"	
Vaughn P. Donald	Eugene C. Youngman	"	Mem. Ent.	92	901	"	
William E. Shackley	Wayne M. Davidson	5-12-78	Acres	93	402	Lot 5 (all riparian rights)	
Vaughn P. Donald	Eugene C. Youngman	10-24-78	Mem. Ent.	96	409	Lot 8 (water rights)	
James W. Donald	Vaughn P. Donald	"	wd	295	97		
Eugene C. Youngman	Shuman W. Schaeck Jr.	10-26-78	Mem. Ent.	96	500	Lot 8	



AUG

62

CLARENCE DAHLBERG
NEXT TO MASONRY
PUMP HOUSE/WELL

1962

321198

WARRANTY DEED

BOOK 166 PAGE 473

THIS INDENTURE, Made this 27 day of December, in the year of our Lord One Thousand Nine Hundred and Fifty Six, between Virgil C. Moody and Louise E. Moody, husband and wife, residents of Coeur d'Alene, County of Kootenai, State of Idaho, parties of the first part and Clarence W. Dahlberg and Alice Dahlberg, husband and wife, residents of Kootenai County, State of Idaho, parties of the second part.

WITNESSETH,

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, and the said parties of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated and confirmed and by these presents do grant, bargain, sell, remise, release, alienate and confirm unto the said parties of the second part, and to their heirs and assigns forever all the following described lot, piece or parcel of land situated in the County of Kootenai and State of Idaho, and known and described as follows, to-wit:



The $S\frac{1}{2}$ of the $SE\frac{1}{4}$ and the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ (except that part of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ lying South and West of the Blackwell-Huetter Road) in Section 9; and also that part of the $E\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 8, lying North and East of the Blackwell-Huetter Road, all in Township 50 North, Range 4 W.B.M., Kootenai County, Idaho.

Together with a reserved road right-of-way across the following described excepted property, and subject to a road right-of-way across the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ and the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of said Section 9

BOOK 166 PAGE 474

in favor of the owner of the following described excepted property as provided in the deed conveying the same.

Excepting from the above described property, however, the following portion thereof deeded by Virgil C. Moody, et ux., to Neal R. Fosseen By Warranty Deed dated October 10, 1955 and recorded in Book 162 of Deeds at page 182, Records of Kootenai County, Idaho, described as follows: to-wit:

Beginning at a point located on the line between Sect one 9 and 16, Township 50 North, Range 4 W.B.M., Kootenai County, Idaho, and 258.0' North, 89°54' East from the quarter corner between said sections; thence 1320.0' North, 89°54' East along said section line; thence North 9°15' East 990.0'; thence South 89°54' West parallel to the Section line, 1320.0'; thence South 9°15' West, 990' more or less, to the point of beginning, containing 30 acres more or less, and being a part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, Township 50 North, Range 4 W.B.M.

Parties of the first part do further hereby sell, transfer and convey to parties of the second part all of the chattels and items of personal property now situated on the above described premises including:

1 International Harvester "Farmall H" tractor with attachments
3 head of cattle, 2 geese, 370 chickens
Dairy equipment
Chicken equipment
Misc. tools, supplies and equipment.

Together with all and singular the hereditaments and appurtenances thereunto, belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all the estate, right, title, interest, claim or demand whatsoever of the 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 TO HOLD the said premises above bargained and described, with the appurtenances unto the said parties

PLATTED
C. W. NEIDER
ASSESSOR

COMPARED

PLATTED
JUL 15 P.
C. W. NEIDER
ASSESSOR
JUL 17 1957
C. W. NEIDER
ASSESSOR

UNIT CLAIM DEED
100 140 017

The Grantors, WILFRED R. FOSSEEN and HELEN M. FOSSEEN,
husband and wife, for and in consideration of One Dollar (\$1.00)
and other valuable considerations, in hand paid, convey and quit
claim to WASHINGTON BRIDGE & LIME COMPANY, a Washington corporation,
all interest now owned or hereafter acquired in the following de-
scribed real estate situated in the County of Kootenai, State of
Idaho, to-wit:

A road right of way for the use of the Grantee
across the SW of the SW and the SE of the SE
of Section 5, Township 50 North, Range 1 W.2.E.,
said road not to be constructed through tillable
land and to follow the approximate foot of the
hill. The grantee shall install a metal culvert
at the crossing in the main creek channel and
shall be responsible for the maintenance of this
road.

DATED this 15th day of June, 1957.
W. R. Fosse
H. M. Fosse

STATE OF WASHINGTON
County of Spokane

I, the undersigned, a Notary Public in and for the
State of Washington, do hereby certify that on this 15th day of
June, 1957, personally appeared before me WILFRED R. FOSSEEN and HELEN
M. FOSSEEN, to me known to be the individual described in and who
executed the within and foregoing instrument and acknowledged that
he signed and sealed the same as his free and voluntary act and
deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year
first above written.

W. R. Fosse
Notary Public in and for the State
of Washington, residing at Spokane

Return for Withdrawing, copy, from the State
of Washington, Spokane, Idaho