

Mark W. DeBolt

3431 S. North Cape Rd.
Coeur d Alene, ID 83814

847-219-3396 Cell

RECEIVED

APR 02 2018

DEPARTMENT OF
WATER RESOURCES

March 27, 2018
Hand Delivered to IDWR
North & Certified Mail to Both

State of Idaho
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707-9815

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

Re: "Notice of Errors - Reply"
Idaho Water Right 95-14346 – DeBolt/Humphrey/Jensen/Stanley/Gangi
Civil Case No. 49576

Attached please find an updated copy of our "Notice of Error – Reply" form (Notice) and copies of all items previously attached. We are updating this document due to comments that the Notice form had to have "wet" signatures and while it's my belief the original went to IDWR- Boise, in an abundance of caution we are attaching original signatures on the Notice on all of the copies. Please accept my apologies for any confusion.

Sincerely,



Mark W. DeBolt

SCANNED

APR 03 2018

02/09/2018

RECEIVED

APR 02 2018

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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: 95-14346

ARTHUR G ELLIOTT III
3431 S NORTH CAPE RD
COEUR D ALENE ID 83814
Telephone Number: 2086993938

DAVID C DABOLL
3431 S NORTH CAPE RD
COEUR D ALENE ID 83814
Telephone Number: 2086993938

MARK W DEBOLT
3431 S NORTH CAPE RD
COEUR D ALENE ID 83814
Telephone Number: 8472193396

CLAIRE A HUMPHREY
3431 S NORTH CAPE RD
COEUR D ALENE ID 83814
Telephone Number: 8472193396

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): A) Said recommendation stating that "No beneficial use was found" we think is a clerical error and should be struck. B) Property known as 3431 S. North Cape Rd has been in use drawing water from Lake Coeur d'Alene since 1965 as evidenced by Affidavit signed by Loren Murphy (original owner/developer of site) and filed with IDWR by Art Elliot in 2015. All the property as high-lighted in yellow has drawn water since 1969 when the other home was built and owned by the Salisbury's. Both Murphy and Salisbury (the then owner of 3472 and 3476 S. North Cape) and future owners have been supplying both potable and irrigation water to the premises as noted on the attached map (See aerial map showing said property - copy from IDWR files). C) Said Water Right was reaffirmed in 2010 as shown on attached filing by Art Elliot (former owner) (Copy from IDWR files) along with additional IDWR files on said filing. D) Ownership of Dave Daboll's right of 3472 S. North Cape Road should be changed to Daniel G. Jensen at the same address. The Notice of Change in Water Right for Daniel G. Jensen has already been filed with IDWR and a copy is attached for your reference. E) The ownership right for Dave Daboll's other property at 3476 S. North Cape Rd. should be amended to Graydon and Tami Stanley at said address. Mr. Stanley will file paperwork under separate cover. F) If she wishes, Art Elliot III should be changed to Alica Gangi, however if necessary, Ms. Gangi will also file under separate cover. The water right ownership address for DeBolt/Humphrey is correct at 3431 S. North Cape Rd, Coeur d'Alene, ID 83814.

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

A) Follow above and details as noted in the 2010 Notice of Claim for Water Right 95-14346 confirming claim with priority date of at least 1969 for the whole tract and supplying water to three homes (3431 S. North Cape Rd, Coeur d'Alene, ID, 3472 S. North Cape Rd, Coeur d'Alene, ID & 3476 S. North Cape Rd., Coeur d'Alene, ID).

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

A) We think the initial response from IDWR was simply a clerical error. Linda Warner (sp) and Mark DeBolt sat down and went through this claim in detail in 2015. Linda's help was invaluable.

DATE: March 19, 2018

SIGNATURES:

Please print your name: Mark W. DeBolt

Daniel G. Jensen

HAND DELIVERED TO COEUR D'ALENE IDWR AND SENT VIA CERTIFIED MAIL TO BOTH IDWR Boise & Coeur d'Alene offices.

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

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APR 03 2018

Mark W. DeBolt

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Coeur d'Alene, ID 83814

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March 19, 2018
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North & Certified Mail to Both

State of Idaho
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707-9815

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

Re: "Notice of Errors - Reply"
Idaho Water Right 95-14346 – DeBolt/Humphrey/Jensen/Stanley/Gangi
Civil Case No. 49576

Attached please find:

1. Completed IDWR "Notice of Error – Reply" form for the captioned Water Right Dated March 19, 2018.
2. Copy of Notice of Water Right Claim filed with the IDWR May 3, 2010 – Receipt No. 24235
3. Same as above as filed in the captioned Civil Case 49576.
4. Copy of aerial map outlining the three homes described in Water Right claim.
5. Copy of Daniel G. Jensen "Notice of Change in Water Right Ownership" filed with payment on March 17, 2018 with the IDWR – North Division.
6. Copy of Affidavit from Lauren Murphy, former owner/developer of site.

Item No. 2-6 are referred to in the "Notice of Error – Reply" and support statements made therein. I am filing this Notice of Error on behalf of Claire Humphrey, Dan Jensen and myself.

Please contact me if you have questions.

Sincerely,



Mark W. DeBolt

SCANNED

MAY 31 2018

**NOTICE OF ERROR
REPLY**

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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: 95-14346

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A) Follow above and details as noted in the 2010 Notice of Claim for Water Right 95-14346 confirming claim with priority date of at least 1969 for the whole tract and supplying water to three homes (3431 S. North Cape Rd, Coeur d'Alene, ID, 3472 S. North Cape Rd, Coeur d'Alene, ID & 3476 S. North Cape Rd., Coeur d'Alene, ID).

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

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DATE: March 19, 2018

SIGNATURES:

Please print your name: Mark W. DeBolt

Daniel G. Jensen

HAND DELIVERED TO COEUR d'ALENE IDWR AND SENT VIA CERTIFIED MAIL TO BOTH IDWR Boise & Coeur d'Alene offices.

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

**SCANNED
MAY 31 2018**

COPY

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: 95-14346

Date Received: 5/3/2010

Receipt No: N024235

Received By:

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

1. Name of Claimant(s)

ARTHUR G ELLIOTT III Phone:(208) 699-3938

3431 S NORTH CAPE RD

COEUR D ALENE ID 83814

DAVID C DABOLL

Phone:(208) 699-3938

3431 S NORTH CAPE RD

COEUR D ALENE ID 83814

MARK W DEBOLT

Phone:(847) 219-3396

3431 S NORTH CAPE RD

COEUR D ALENE ID 83814

CLAIRE A HUMPHREY

Phone:(847) 219-3396

3431 S NORTH CAPE RD

COEUR D ALENE ID 83814

2. Date of Priority: 12/31/1969

3. Source: COEUR D ALENE LAKE **Tributary to:** SPOKANE RIVER

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
50N	04W	26	SW SE		KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
DOMESTIC	01/01 12/31	0.12	0
IRRIGATION	03/15 11/15	0.15	0

7. Total Quantity Appropriated is: 0.27 C.F.S. and/or A.F.A

8. Non-irrigation uses:

<u>Number of Homes:</u>	<u>Water Use</u>	<u>Type Of Stock</u>	<u>Number Of Stock</u>
3			

9. Place of use:

95-14346

8/26/2015

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MAY 31 2018

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
50N	04W	35	NW NE		IRRIGATION	5

Section Acres 5

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
50N	04W	35	NW NE		DOMESTIC	

Section Acres

Total Acres 5

10. Place of use in counties: KOOTENAI

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use

Description

DOMESTIC

3 homes
pump and pipeline to reservoir
irrigation

IRRIGATION

14. Basis of Claim: Beneficial Use

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 notice 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.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

[Signature] MARA DETROIT

Date:

8/26/2015

Date:

For Organizations: I do solemnly swear or affirm under penalty or 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 _____

Please print name

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

Date Received: 5/3/10

Receipt No: 4024235

Received By: [Signature]

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ARNOLD B ELLIOTT III & DAVID C ELLIOTT ^{AND/OR} DABOLL Phone (208) 699-3930
Mailing Address 3431 S NORTH CAMEL ROAD COA ID 83210 ZIP 83214-7188
2. Date of Priority (Only one (1) per claim) 12/31/1969 City COA State ID
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Lake Coa
which is tributary to (b) SPOKANE RIVER
4. a. Location of Point of Diversion is: Township 50N, Range 4W, Section 26
SW, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of KOOTENAI
Parcel (PIN) no. _____
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.
PUMP + PIPELINE TO RESERVOIR

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MAY 31 2018

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount .15 or _____

For DOMESTIC purposes from 1/1 to 12/31 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .27 (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.) 3 HOUSEHOLDS

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	
<u>SON</u>	<u>4W</u>	<u>35</u>		<u>S</u>															<u>S</u>

Parcel (PIN) no(s) SON 04W-35-0700

Total number of acres irrigated 5

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 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: P.O.U. ALSO 01595-001-001 + 007

Last Name ELWORTH/DAROLL Identification No. _____

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MAY 31 2018

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) AS2110 Date: 5/3/2010

_____ 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 _____

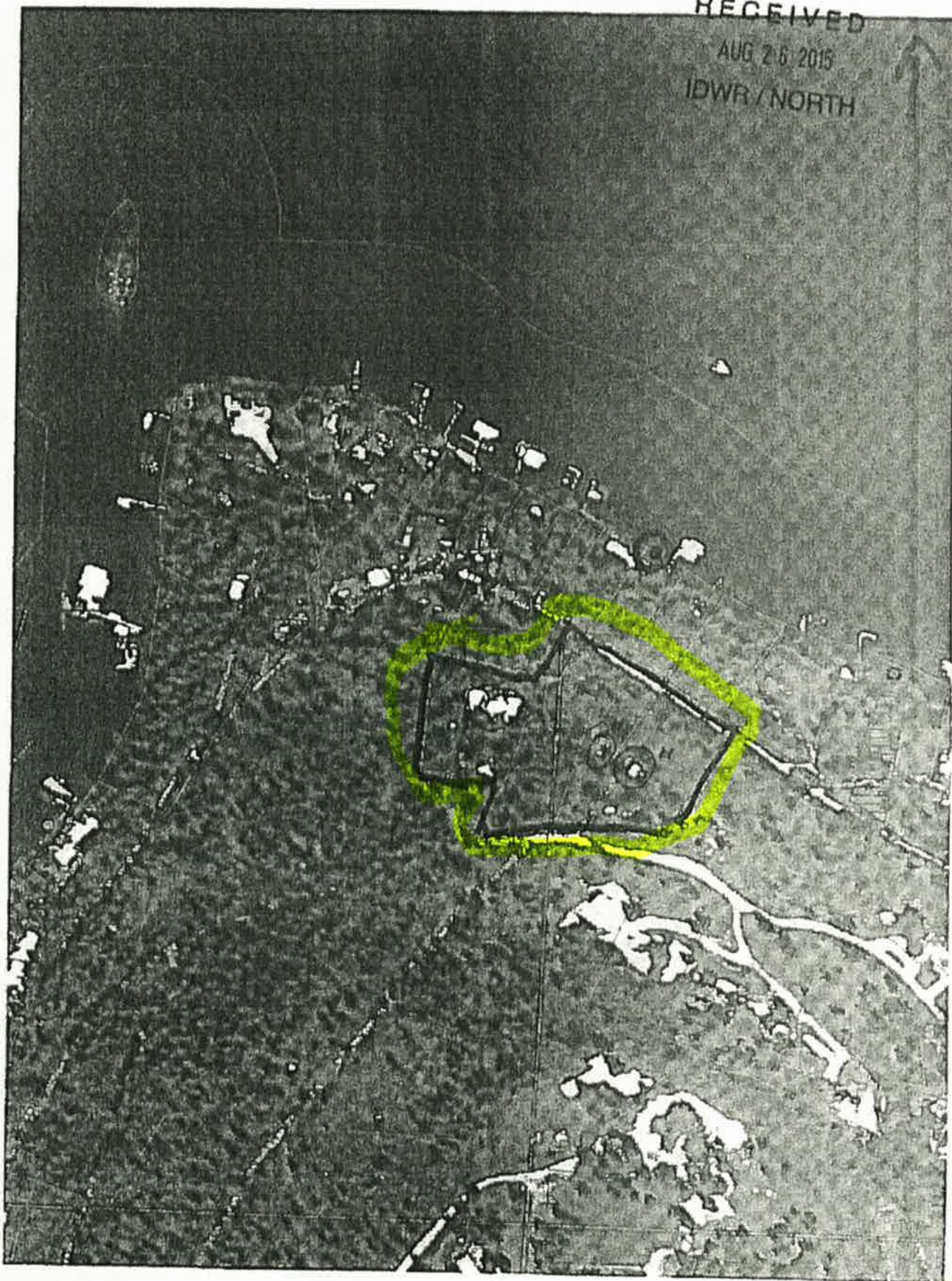
Address _____

Date _____

Last Name _____ Identification No. _____

SCANNED
MAY 31 2018

RECEIVED
AUG 26 2015
IDWR / NORTH



SCANNED
MAY 31 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
95-14346	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: David C. Daboll
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Daniel G. Jensen
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3472 S. Nort Cape Rd Coeur d'Alene ID 83814
Mailing address City State ZIP
- 208 310 9360
Telephone
- djensen 278 @ hot mail com
Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 9 5 2017
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Title, if applicable: _____ Date: 3 17 18
 Signature of new owner/claimant

Signature: _____ Title, if applicable: _____ Date: _____
 Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

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MAY 31 2018

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
1866 North Lakewood Drive
Coeur d'Alene, ID 83814

JIM BRANNON 2 P 2610497000
KOOTENAI COUNTY RECORDER
PRP 9/5/2017 1:39 PM
REQ OF FIRST AMERICAN TITLE -
KOOTENAI
RECORDING FEE: \$15.00 DD
Electronically Recorded

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **646906-C (ms)**

Date: **August 30, 2017**

For Value Received, **David C. Daboll, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Daniel G. Jensen, an unmarried person**, hereinafter called the Grantee, whose current address is **3472 S. North Cape Road, Coeur d' Alene, ID 83814**, the following described premises, situated in **Kootenai County, Idaho**, to-wit:

LOT 1, BLOCK 1, DABOLL ESTATES, ACCORDING TO THE PLAT RECORDED IN BOOK "I" OF PLATS, PAGE 216, RECORDS OF KOOTENAI COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

SCANNED
MAY 31 2018

Date: 08/30/2017

Warranty Deed
• continued

File No.: 646906-C (ms)


David C. Daboll

STATE OF Idaho)
COUNTY OF Kootenai)

On this Fifth day of September, 2017, before me, a Notary Public in and for said State, personally appeared David C. Daboli, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Notary Public for the State of Idaho
Residing at: Coeur d'Alene
My Commission Expires: 4/2/2020

SCANNED
MAY 31 2018

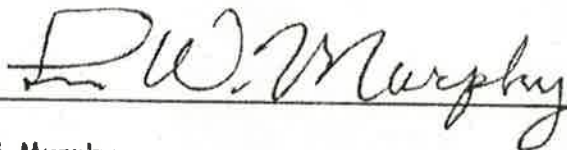


SCANNED
MAY 31 2018

Affidavit

I, Loren W. Murphy, am the original owner of the home known as 3431 S. North Cape Dr., Coeur d'Alene, ID 83814. I developed the water system for the stated property to draw water from Lake Coeur d'Alene (ID) for the beneficial use when I built the home in 1965. I was not only the owner of the home, but also the general contractor. Needing water on site for construction, we began drawing water prior to our occupancy of the home. To the best of my recollection, that would have likely been around September 1965. I developed the water system to be used as noted under Idaho Water Right Claim No. 95-14346.

Signed,



Loren W. Murphy

1267 Port Way

Clarkston, WA 99403

29 SEP 2015

Date

SCANNED
MAY 31 2018