

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 95-14989

Date Received: 12-3-10

Receipt No: N026317

Received By: ew

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

RECEIVED

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IDWR/North

1. Name of Claimant(s) (Barclay) Gillespie Cheryl Ann Phone () 202-448-1726

Mailing Address 12512 S Bower Rd Cherry WA Zip 98004
Street or Box City State

2. Date of Priority: (Only one per claim) _____
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other ☒ (a) Spring
which is tributary to (b) SINK-3

4. Location of Point of Diversion is: Township 49N, Range 4W, Section 9,
SE 1/4 of NE 1/4, or Govt. Lot 1 BM. County of Kootenai;

Parcel (PIN) no. 49N04W092150

Additional points of diversion if any: NA

If 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.

Developed Spring of drainage line to lake

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from _____ Month/Day _____ Month/Day _____ cfs () or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed _____ cfs () or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 1 home

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9. Location of Place of Use is: Township 49N, Range 4W, Section 9,
SE 1/4 of N.E. 1/4, Govt. Lot 1 BM. Parcel (PIN) no. 49N 04W 092.00

for (Check One) **Domestic** (☒) **Stock** () **Domestic and Stock** () If different than shown in Item 4

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 (☒) 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.

or None (☒)

13. Remarks:

Separate claim being filed for Lake Coeur d'Alene being filed

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: 6

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) Sheryl Ann (Barney) Sheltz Date: 12-1-10

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 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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PIN 49N04W-09-2150



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**Kootenai County
Property Information**

Pioneer Title Co.

A DIVISION OF

100 Wallace Ave. Coeur d'Alene ID 83814

Tel: (208)664-8254 Fax: (208)664-9479

Property Address: 5284 W MICA SHORE RD COEUR D ALENE

Value Details
Owner Information

Dwl	Ext	Type	Category	Value
		L00	06 Prod forest	\$105,468
1		L00	06 Prod forest	\$10,345
		L00	06 Prod forest	\$516,676
3		L00	06 Prod forest	\$397

Name: LINN FAMILY TRUST
Address: 12512 GARDNER RD
City State ZIP: CHENEY WA 99004

Assessor Information

Property ID #: 49N04W092150
Tax ID #: 137864
Section: 49N04W09
Instrument: 1874641
TCA Code: 249000
Legal Description: TX #4154 EX TX #'S, W2-W2-NE-NE
Property Class: 512 - Rural residential tract
Neighborhood Code: 5030
Front Feet: 95
Acres: 17.698

Assessments

Year	Description	Value	Code
2007	Land Assessed Value	\$10,742	LA
2007	Parcel Mkt Value	\$10,742	TAX
2007	Land Use Value	\$10,742	LU
2007	Net Taxable value	\$10,742	NetTax

Land Information

Land Description 1: Timberland - 61
Land Description 2: Timberland - 61
Land Description 3:
Platted: P
Sewer Avail.:
Water Avail.:
Electric: Y
Gas:
Waterfront:

Tax Districts

School District: 271
Hwy. District: 4
Fire District: Mica Kidd Island
Water District:
Sewer District:
Flood:

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 www.digitshare.org 208.777.1252

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COMPANION SHEET FOR LAND NOT SUBDIVIDED

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QUIT CLAIM DEED

49N04W092150

THIS INDENTURE, is this 16th day of September in the year of our Lord, One Thousand Nine Hundred and twenty-seven between Ethel Chamberlain resident of Worley County, of Kootenai State of Idaho, party of the first part, and G. S. Lowe resident of Worley County of Kootenai State of Idaho party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of thirty & No/100 DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents demise, release and forever quit-claim unto the said party of the second part and to his heirs and assigns all the certain lot piece or parcel of land, situated in the said Worley County of Kootenai State of Idaho and bounded and particularly described as follows, to-wit:

Lot Thirteen (13) Block Twenty-six (26), Townsite of Worley, Kootenai County, State of Idaho.

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.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto said party of the second part, and to his heirs and assigns forever.

In WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal and seal the day and year first above written.

Signed, Sealed and delivered in presence of

Ethel Chamberlain (SEAL)

Mike Kraemer

STATE OF IDAHO

County of Kootenai,

} SS:

THIS IS TO CERTIFY, That on this 16th day of Sept A. D. 1927, before me Mike Kraemer a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally came Ethel Chamberlain to me known to be the individual described in the within instrument, and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal, the day and year in this certificate first above written.

(Notarial Seal)

Mike Kraemer
Notary Public. in and for the
State of Idaho residing at
Worley, Idaho.

STATE OF IDAHO

County of Kootenai,

} SS.

Filed for record at the request of Penhandle Abstract Co., on the 10 day of May 1928, at 2:12 o'clock P. M., and recorded in Book 92 of Deeds on page 339.

Fee, \$1.25

G. O. Sawyer, County Recorder.

By L. L. Mills, Deputy.

58507

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Ralph N. Reed and Myrtle E. Reed, his wife, of Coeur d'Alene, Kootenai County, Idaho, parties of the First Part, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations in hand paid by George A. Mortimer, of Wallace, Idaho, and Frank H. Fisher, and Fred J. Kuttler, of Spokane,

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92/339

of the second part, do hereby grant, bargain, sell and convey to the second part, all the certain real estate situate, lying and being in Idaho, particularly described as follows:

49N04W092150
92/340

NE $\frac{1}{4}$ of NE $\frac{1}{4}$, of Sec. 9, Twp. 49, N. R. 4, W. B. M., and a tract of land particularly described as follows, to-wit: Beginning at the Northwest Corner of Government Lot 1, Section 9, Twp. 49, N. R. 4, W. B. M., running thence East 662.8 feet along the North line of said Government Lot 1, to a center point in said line marked by a pipe set in concrete, thence South 17° and no minutes east 1171.6 feet to the shore line of Lake Coeur d'Alene and marked by a pipe set in rock, thence following the shore line in a Westerly direction 590.8 feet to the intersection of the north line of Lot 6, Block "B" of Lyondale, thence in a Northwesterly direction N. 41° 8' West 735.3 feet to an intersection with the west line of Government Lot 1, thence north 589.6 feet to the place of beginning, all being in Section 9, Twp. 49, N. R. 4, W. B. M., including any lots or portions of lots in Lyondale which may lie within the boundaries of said description.

The parties of the first part hereby warrant said premises to be free of all encumbrances whatsoever and that they are seized in fee simple and warrant to the parties of the second part, their heirs and assigns forever, the peaceable possession of the same, subject to the following:

First. A perpetual easement in favor of the Washington Water Power Company to back and hold the waters of Lake Coeur d'Alene to an elevation of 2126 feet above mean sea level, which easement is recorded in the office of the County Recorder of Kootenai County, Idaho, in Book 34 of Deeds, page 16 and referred to as a part hereof;

} WWP

Second. A right and privilege granted to Sue Edminston of Spokane, Washington, her heirs and assigns, in accordance with her Deed to take water from the spring upon said tract and, together with right of ingress and egress for that purpose and the use of the beach contiguous to said tract for bathing purposes;

} Spring

Third. The right of the public, if any, by virtue of the filing of the plat of Lyondale and the dedication of the streets, alleys, and highways therein, which plat was recorded in Book "B" of plats page 146 in the office of the County Recorder of Kootenai County, Idaho.

The grantors further give to the grantees, their heirs, successors and assigns, a perpetual joint and common user easement over and across the property of the grantors across Lot 1 and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, of Sec. 9, Twp. 49, N. R. 4, W. B. M., as a means of ingress and egress to and from the property hereby conveyed so as to reach the county highway; said road to be located in a place most suitable for the construction of an automobile road.

} Ingress / Egress

IT IS UNDERSTOOD that this does not cover the crossing of any platted portions of Lyondale not hereby conveyed.

The Grantors reserve for themselves, their heirs, successors, and assigns, the right to fence the property over which said right-of-way is granted and the grantees, for themselves, heirs, successors and assigns, covenant and agree in the use of said road that in case the same is fenced that they will close any and all gates which may hereafter be erected and maintained thereon to the end that the grantors, their heirs, successors and assigns may have and maintain the full benefit of any fences so erected.

} fencing

Purchasers to pay all taxes, impositions and assessments for 1928 and subsequent.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals this 4 day of May, A. D. 1928.

Ralph N. Reed.

Myrtle E. Reed
Parties of First Part

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Form 42-1409(8)
11/08

Date Received _____

State of Idaho
Department of Water Resources
**REQUEST OF EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(8), Idaho Code.

Name of Claimant Cheryl Ann (Barclay) Gillespie (509) 448-1726 Phone Number

Mailing Address 12512 S GARDNER RD Cheney WA 99004
City State Zip

County(s) where place of use is located Kootenai Date claim originally due 01-2010

Identify water right(s) for which extension is requested Spring - PIN 49N64W092150

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Processing of estate upon death of property owner - Duration
Completion of title change

Claimant requests an extension to December 30, 20 10

Signature Cheryl D. Gillespie Date of request 5-25, 20 10

Title Personal Representative of Estate

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [] denied for the following reasons:

and if granted the filing deadline is extended to _____, 20 _____

Signed the _____ day of _____, 20 _____

Director of his designated agent

Mail to: Idaho Department of Water Resources
322 E. Front St., PO Box 83720
Boise, ID 83720-0098

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