

Werner, Linda

From: Werner, Linda
Sent: Friday, May 10, 2019 9:34 AM
To: 'dconley@gcpower.net'
Subject: Water Right Claim 95-12703
Attachments: 95-12703 Langston NoticeOfClaim.pdf; Motion to File Amended NOC.pdf

Hi Dennis,

Attached are the forms we discussed in this morning's phone conversation.
Feel free to contact me if you have any questions.

Linda

*Linda Werner
Water Resource Agent, Sr.
Idaho Department of Water Resources
Northern Region
(208) 762-2802*

Maxey, Shaun

From: Dennis Conley <dconley@gcpower.net>
Sent: Tuesday, May 07, 2019 10:47 AM
To: Maxey, Shaun
Subject: Langston Lake Cabin LLC Research Results
Attachments: Historical Record of Water Use 050719.docx

Shaun: attached is a summary of the research that Ned Horner did for us yesterday at the courthouse trying to see when water was started to be pumped from the lake. I attached his summary and we can discuss further when you call. Ned has all the documents, he lives in Coeur d'Alene and can be provide copies to you. Looks like 1965 should be the priority date for the water right.

Look forward to your call.

Dennis

Dennis Conley LLC
P.O. Box 570
Moses Lake, WA 98837
dconley@gcpower.net
(509) 750-1496

95-12703
Send SF3
Copy claim

Historical Record of Water Use from Coeur d'Alene Lake

Langston Lake Cabin
5261 S. Freedom Lane
Harrison, ID 83833

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Information to establish the time line for utilizing water from Coeur d'Alene Lake were obtained from the records of the Recorders, Assessors and Community Development offices of Kootenai County for Parcel No. 0-018-000-004-0, AIN 118479. We also spoke to the Panhandle Health District (PHD) to determine if any historical records of septic system use existed.

The First Addition of the Arrow Point subdivision was platted in 1960. The Langston Lake Cabin is located in lot 4, First Addition to Arrow Point, Government Lot 1, Section 6, Township 49 N, Range 3, W.B.M., Kootenai County, Idaho. The first deed of record is between Arrow Point, Inc. and John and Ruth Shaw dated 7 September 1962. That deed has eight exceptions and states that "There shall be no outdoor toilets" (no. 2), "Sewage and garbage disposal shall be handled according to the standards of the State of Idaho, Department of Public Health" (no. 3), and "The Vendors reserve the perpetual right to install and maintain a water pipe or line along the northerly and southerly boundary lines of the property hereby conveyed of sufficient width to install and maintain the same for the purpose of access to the waters of Lake Coeur d'Alene that water may be make available to other lands lying easterly of the lands conveyed" (no. 8). Water from Coeur d'Alene Lake was clearly intended for domestic, irrigation and septic system use once a residence was established.

Appraisal records for real property prior to the 1980s (when computer records were established) are incomplete because not all paper records were scanned. The earliest residential building appraisal record for Lot 4 is dated 12/6/1972 for Raymond Simmons (second deed holder as of 1967). That record states that the residence was built in 1965 and shows a "trailer house under roof", "living room extension", deck and porch. Because no outdoor toilets were allowed in the original deed, one would assume the septic system was installed for this original residence established in 1965. There is an appraisal record that shows "lake water" and "septic system" for this lot during appraisals in 1979, 1983 and 1985. There is an 8/2/89 appraisal that also indicates "lake" water system and a "septic" sewer system.

We contacted the PHD to see if they had a record of when the septic system was installed. PHD did not exist prior to 1973, so there are no records of when the septic system on Lot 4 was installed. If the septic system were modified after 1973, a permit would have been required, but there is no record of the original septic system being modified. The original septic tank was located beneath the Langston Lake Cabin footprint and the original drain field was located on the bench to the west of the lake cabin residence. Although the exact date of septic system installation (and use of lake water) is not known, it is likely that it occurred shortly after the original residence (trailer with bathroom) was established in 1965. Reference material cited above (plat map, original deed and appraisal records are in our possession and available.

