

JUL 16 2019

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)

A.)

Subcase)

95-8268

(Insert water right number)

Case No. 49576)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Karl CraineAddress: PO Box 945Vashon WA 98070Daytime Phone: (206) 321-0469

Name & Address of Attorney, if any:

NONE

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lloyd B CraineAddress: 4 Delcardo BayCoeur d'Alene ID 83814

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address** Lloyd B. Crane Family LLC
Should be: PO Box 945 Vashon WA 98070
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date** 1903 for previous owners
Should be: our use started in 1957
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.
Should be: _____

☐ General provision was recommended but should be modified as described below.
Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See attachments



(Signature of person filing objection)

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on July 11, 2019, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

n/a

Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Objector or attorney
mailing on Objector's behalf

KARL CRAINE

PO BOX 945
VASHION, WA 98070
(206) 321-0469
kcraine@lawseminars.com

E. Reasons Supporting Objection(s):

Name: My father has passed. Before he died, he set up an LLC and transferred the cabin to it. I am the managing member of the LLC.

Priority Date: My parents purchased the property in 1957. There was and still is an existing cabin on the property which had been constructed during the 1920s. We've pumped from the lake the entire time we've had the property. The previous owners would have used buckets.

Documentation:

Kootenai County record books show that Theodore Roosevelt, acting in his capacity as President, conveyed the property as part of a homestead grant to some people named Mcree who promptly subdivided it. In 1903, the property was acquired by Joseph Faska, who built the cabin. He worked on one of the steam boats that plied the lake and lived in it year around. There was a public dock in the bay at the time and he'd start and stop work when the boat landed there. Those conveyance documents are missing from the county records.

Exhibit A is pages 409 and 410 from a scan of county paper records. At the bottom of 409 is entry number 164263. It shows Joseph Faska transferring the property to Dorothy E. Gosnell on February 2, 1944.

Exhibit B is page 640 of a paper records scan. Entry number 247898 shows that James F. Weaver and Marie Weaver acquired the property on July 3, 1951. Of importance with regard to initial date for domestic water use from the lake, there is the following comment: "TO WHOM IT MAY CONCERN: This is to certify that my Uncle, Joseph Faska, was a single man between the dates of October 1903 to February 4, 1944 during which time he owned the lot described on the Warrant Deed to which this is attached. Since Joseph Faska was never married no widow or children survive him." That was signed by Dorothy E. Gosnell.

Exhibit C is a scan of pages 180 and 181 of Book 169. This is the conveyance to my parents on July 8, 1957. My dad divorced, remarried, and divorced again. The 1983 priority date likely came from the building permit my Dad took out to replace the foundation for the cabin and add living space in what became a daylight basement.

Dated this 11th day of July, 2019



(Notarial Seal)

William G. Ennis
NOTARY PUBLIC in and for the State of
Washington residing at Spokane

State of Idaho }
County of Kootenai } ss

Filed for record at the request of Wm. G. Ennis on FEB 11 1944 at 1:30 o'clock
P. M. and recorded in book 123 of Deeds Page 408.

Jas. A. Foster County Recorder

By Alberta E. Platt Deputy

Fee \$1.25

164263

QUIT CLAIM DEED

THIS INDENTURE Made this 11th day of February in the year of our Lord, One Thousand Nine Hundred and forty-four between Ross Dunham and Florence Dunham husband and wife since previous to 1938 resident of Cosur d' Alene County of Kootenai State of Idaho parties of the first part and Warren W. McHenry, whose wife is Christina McHenry, residents of Cosur d' Alene County of Kootenai State of Idaho party of the second part.

WITNESSETH, That the said parties of the first part for and in consideration of the sum of one dollar and other valuable consideration DOLLARS in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents demise, release and forever quit-claim unto the said part of the second part and to his heirs and assigns all the certain lot piece or parcel of land, situated in the said County of Kootenai and bounded and particularly described as follows, to-wit:

The north 135 feet of the east three acres of tract 131

of Dalton Gardens Addition to Hayden Lake Irrigated Lands

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 parties of the first part have hereunto set their hands and seals the day and year first above written.

consideration under \$100.

Signed, Sealed and delivered in presence of

Ross Dunham (Seal)

Florence Dunham (Seal)

STATE OF IDAHO }
County of Kootenai } ss

THIS IS TO CERTIFY, That on this 11th day of February A. D. 1944 before me W. K. Stacy a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally came Ross Dunham and Florence Dunham husband and wife to me known to be the individuals described in the within instrument and acknowledged to me that they executed the same as their 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)

W. K. Stacy
Notary Public

STATE OF IDAHO }
County of Kootenai } ss

Filed for record at the request of Warren W. McHenry on the 11 day of Feb 1944 at 3:15 o'clock P. M. and recorded in Book 123 of Deeds on page 409.

Jas. A. Foster County Recorder

By Ardath Bakke Deputy

Fee \$1.00

164263

THE STATE OF TEXAS }
County of KOOTENAI }

KNOW ALL MEN BY THESE PRESENTS:

That, I, Joseph Faska, a single man, of the County of Bexar and the State of Texas for and in consideration of the sum of Ten and No/100ths (\$10.00) Dollars and other valuable consideration to me cash in hand paid by the Grantee hereinafter named, the receipt of which is hereby fully acknowledged and confessed:

have GRANTED, SOLD and CONVEYED, and by these presents, do GRANT, SELL and CONVEY, unto Dorothy E. Gosnell as her separate property and estate and to and for her sole and separate use, of the County of Bexar State of Texas the following described real estate together with all improvements thereon, situated in the County of Kootenai State of Idaho being more particularly described as follows, to-wit:-

Lot number Two (2) in Block Number Nine (9) in La Delcorda Bay, and situated in Lot Number One (1), of Section Twenty-three (23) Township Forty-nine (49) North of Range Four (4) West of Boise Meridian according to the map or plat of said La Delcorda Bay now on file in the Records office of Kootenai County, Idaho.

TO HAVE AND TO HOLD the above described real estate and premises together with all and singular the rights and appurtenances thereunto in anywise belonging unto the said Grantee Dorothy E. Gosnell as a part of her separate property and estate and to and for her sole and separate use and benefit, her heirs or assigns forever. And I do hereby bind myself, my heirs, executors administrators and assigns, TO WARRANT AND FOREVER DEFEND all and singular the said real estate and premises unto the said grantee herein, her heirs and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS THE SIGNATURE of the Grantor at San Antonio Texas, on this the 4th day of February A. D. 1944.

Joseph Faska
Joseph Faska

STATE OF TEXAS }
COUNTY OF BEXAR } BEFORE ME, the undersigned authority on this day personally appeared Joseph Faska, a single man, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office, on this the 4th day of February, A. D. 1944.

(Notarial Seal)

Bert Slater
Notary Public in and for Bexar County Texas

State of Idaho }
County of Kootenai } ss

Filed for record at the request of Dorothy E. Gosnell on FEB 12 1944 at 9 o'clock A. M. and recorded in book 123 of Deeds page 409.

Jas. A. Foster County Recorder

Fee \$1.50

164264

WARRANTY DEED

THIS INDENTURE, made this first day of April, A. D. 1937, between FRANK FRUECHTL and THERESA FRUECHTL, husband and wife, of Coeur d' Alene, Kootenai County, State of Idaho, parties of the first part, and ANNA E. ANDERSON, wife of Marcus Anderson, of Coeur d' Alene, Kootenai County, State of Idaho, party of the second part;

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, and other valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and the party of the second part forever released and discharged therefrom, do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever, as and for her separate property, and for her sole use and benefit, all the following described real estate situated in the County of Kootenai and State of Idaho, to-wit:

Lot Two (2) Block "N" of the Town of Coeur d' Alene and King's Addition thereto, according to the corrected plat thereof on file and of record in the office of the County Recorder of Kootenai County, Idaho

(Instamps \$3.95 FF FEB 11 1944)

Together with all and singular the tenements, 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 the said party of the second part and to her heirs and assigns forever, for her own sole and separate use, benefit and behoof forever.

To hold and enjoy all and singular the same and every part and parcel thereof, and the rents and profits therefrom as and for her separate property and estate and not in any respect as community property; all rents and profits thereof to be applied to her sole and separate use.

And the said parties of the first part, for themselves and their heirs, do hereby

WARRANTY DEED

COMPARED

BY J. H. 10

247898

This Indenture, Made this day of in the year of our Lord One Thousand

Nine Hundred and Fifty one , between Dorothy E. Gosnell and H. E. Gosnell, her husband
resident of San Antonio , County of Bexar , State of Texas parties of the first part,
and James F. Weaver and Marie Weaver, husband and wife
resident of Coeur d'Alene , County of Kootenai , 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
One Dollar and other valuable consideration DOLLARS,
in hand paid by the said 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, alien 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:

Lot Two (2), Block Nine (9), Ladel Cardo Bay 704 East Grayson Street
(I. R. Stamps 55¢) San Antonio, Texas
July 3, 1951.

TO WHOM IT MAY CONCERN: This is to certify that my Uncle Joseph Faska, was a single man between the dates of October 27, 1903 to February 4, 1944 during which time he owned the lot described on Warranty Deed to which this is attached. Since Joseph Faska was never married no widow or children survive him.

Dorothy E. Gosnell
Dorothy E. Gosnell

STATE OF TEXAS)
COUNTY OF BEXAR) **

Before me, the undersigned, A Notary Public, Wm. J. Schnabel, in and for said County, Texas, on this day personally appeared Dorothy E. Gosnell known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 3rd day of July, A. D. 1951.

(Notarial Seal)

Wm. J. Schnabel
Wm. J. Schnabel - Notary Public
Bexar County Texas.

together with all and singular the hereditaments and appurtenances hereunto 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 of the second part, their heirs and assigns forever.

And that the said parties of the first part, for themselves and their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said parties of the second part, their heirs and assigns; that at the time of enrolling and delivery of these presents they are well seized of the premises above conveyed as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of every kind or nature whatsoever, except 1951 taxes

and the above bargained premises in the quiet and peaceable possession of said parties of the second part their heirs and assigns; against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will warrant and defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Wm. J. Schnabel

Mrs. Gertrude Schnabel

Dorothy E. Gosnell

H. E. Gosnell

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF IDAHO
County of Kootenai
BEXAR

ss.

On this 3rd day of July

Wm. J. Schnabel

July

in the year 19 51, before me, personally appeared

Dorothy E. Gosnell and H. E. Gosnell, her husband

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official seal, the day and year in this certificate first above written.

(Notarial Seal)

Wm J Schnabel
Notary Public, Bexar County Texas

STATE OF IDAHO
County of Kootenai
on the 12th day of July,
on Page 640.

ss.

Filed for record at the request of Panhandle Abstract Company

19 51, at 2:56 o'clock P. M., and recorded in Book 148 of Deeds,

James D. Riggs

County Recorder.

Fees, \$2.00
\$1.50

By Ora E Swan, Deputy

Exhibit C

BOOK 169 PAGE 180

The rights and obligations hereunder extend to the heirs, representatives, successors, and/or assigns of the respective parties.

WITNESS the hands and seals of the grantors at the time and place mentioned in the acknowledgment hereto.

Sam C. Theis (L.S.)
Husband

Hazel Belle Theis (L.S.)
Wife, Grantors

COUNTY OF KOOTENAI
STATE OF IDAHO

ss.

On this 20th day of July, 1957, before the undersigned Notary Public, personally appeared SAM C. THEIS and HAZEL BELLE THEIS, husband and wife, known to me to be the grantors named in the foregoing instrument and acknowledged to me that they executed the same.

James W. Ingalls
Notary Public for Idaho, residing at
Coeur d'Alene; My com. exp. 8-6-60



Subscribed and sworn to at the request of James W. Ingalls
on this 20th day of July, 1957.
E. W. Larson
Notary Public
Return to James W. Ingalls

328185

WARRANTY DEED

BOOK 169 PAGE 180

For Value Received

MARIE WEAVER, widow

the grantor does hereby grant, bargain, sell and convey unto
LLOYD B. CRAINE and JANET CRAINE, husband and wife,

the grantees, the following described premises, in Kootenai County Idaho, to wit:

Lot Two (2), Block Nine (9), LaDelcardo Bay, Kootenai
County, Idaho, according to the plat thereof recorded in
Book A of plats on Page 81



ATTED
C. W. REIDES
ASSESSOR

BOOK 169 PAGE 181

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances except easements of record and reservations in Plat and Dedication, Book A of Plate, Page 81, reserving to the owner the reversions in streets and avenues should they ever be vacated, and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: July 8, 1957

Marie Weaver

STATE OF IDAHO, COUNTY OF KOOTENAI
On this 8th day of July, 1957,
before me, a notary public in and for said State, personally
appeared MARIE WEAVER, widow

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

E. W. Larson
Notary Public
Coeur d'Alene, Idaho
7-29-58

STATE OF IDAHO, COUNTY OF Kootenai
I hereby certify that this instrument was filed for record at
the request of *P. Owens*

at 35 minutes past 11 o'clock, p.m.
this 26 day of July, 1957, in my office, and duly recorded in Book
of Deeds at page

E. W. LARSON

Ex-Officio Recorder

By *Marquette Tomblin*
Deputy.

Fees \$1.00
Mail to: *Floyd B. Craine*
606 Kenneth, Moscow, Ida.

INSTRUMENT NO.

3:28:37

QUIT-CLAIM DEED

Statutory Form

BOOK 169 PAGE 181

THE GRANTOR *S. Joseph P. Wieber and Phyllis D. Wieber, husband and wife*
and *Philip N. Clifford and Patricia A. Clifford, husband and wife*
of *Spokane* in the County of *Spokane* and State of

Washington, for the consideration of *Ten Dollars (\$10.00) and other valuable*
consideration

in hand paid, convey and quit-claim to *Edward C. Tatt and Greta F. Tatt,*
husband and wife

of the County of *Spokane* in the State of *Washington* all

interest in the following described Real Estate

Lot Eleven (11), Block Four (4) of Hayden
Lake Honeysuckle Hills Building Sites
according to the Plat thereof recorded in
Book D of Plats on page 55, records of
Kootenai County, Idaho

Filed and recorded at the request of *Edward C. Tatt*
at *9:30* o'clock *A.M.* this *26* day of *JUL 26 1957*
E. W. LARSON
Ex-Officio Recorder
Kootenai County, Idaho
Return to *82804 Wall Spokane Wash*