

3. Attached hereto and marked **EXHIBIT A** are true and accurate copies of correspondence from Kathryn Spackman and Raymond Spackman to the Idaho Department of Water Resources, dated October 4, 2016 and February 22, 2017.

4. Attached hereto and marked **EXHIBIT B** is a true and correct copy of Kathryn Spackman's Notice of Claim to Idaho Water Right No. 95-14511 dated October 23, 2009.

5. Attached hereto and marked **EXHIBIT C** are true and correct copies of Raymond Spackman's Notice of Claim to Idaho Water Right No. 95-13699, and Amended Notice of Claim to Idaho Water Right No. 95-13699 dated August 31, 2009 and October 28, 2010.

6. Attached hereto and marked **EXHIBIT D** is a true and correct copy of Notice of Change in Water Right Ownership for Idaho Water Right No. 95-13699 for change in ownership from Raymond Spackman to Daniel A. Barkley and Melissa M. Stocking, dated Aug. 20, 2018.

7. Attached hereto and marked **EXHIBIT E** are true and correct copies of Idaho Department of Water Rights Water Right Reports for Idaho Water Right Nos. 95-2138; 95-13699; 95-14511; and 95-17232.

8. Attached hereto and marked **EXHIBIT F** are true and correct copies of Objector's Notices of Error for Idaho Water Right Nos. 95-17232 and 95-01238 dated February 9, 2018; and a true and correct copy of correspondence from the Idaho Department of Water Resources to Objectors in response to such Notices dated January 18, 2019.

9. Attached hereto and marked **EXHIBIT G** are true and correct copies of Objectors' objections to Idaho Water Right Nos. 95-17232; 95-13699; 95-14511; and 95-02138.

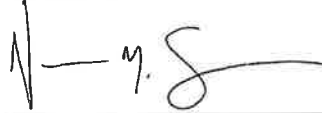
10. Attached hereto and marked **EXHIBIT H** are true and correct copies of Water Rights Holders' responses to Objectors' Objections.

11. I attended a meeting between the parties in the above-referenced action and the Idaho Department of Water Resources regarding this matter on May 20, 2021.

Further, your affiant sayeth naught.

DATED this 4th day of August, 2021.

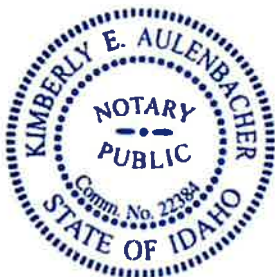
PARSONS BEHLE & LATIMER



Norman M. Semanko
Attorneys for Kathryn Spackman, Daniel A.
Barkley, and Melissa M. Stocking

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

SUBSCRIBED AND SWORN before me this 4th day of August, 2021.

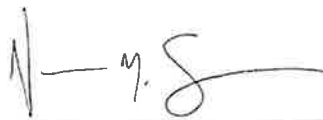


Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 06/22/2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of August, 2021, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

IDWR DOCUMENT DEPOSITORY P. O. Box 83720 Boise, ID 83720-0098	☒ U.S. Mail ☐ Facsimile: ☐ Hand Delivery ☐ Overnight Delivery ☐ Email / iCourt:
Michael P. Lawrence GIVENS PURSLEY LLP 601 W. Bannock Street P. O. Box 2720 Boise, ID 83701-2720	☒ U.S. Mail ☐ Facsimile: ☐ Hand Delivery ☐ Overnight Delivery ☐ Email / iCourt:



Norman M. Semanko

Exhibit A

Identify

Identify from: Taxlots

Taxlots
SPACKMAN, KATHRYN

Location: 2,292,534.555 1,851,604.401 Meters

Field	Value
ID	5253196
UPDATED	9/28/2015
PIN	52N04W248900
OWNER	SPACKMAN, KATHRYN
ADDRESS1	1123 E GARWOOD RD
ADDRESS2	
CITY	HAYDEN
STATE	ID
ZIPCODE	83835
P_ADDRESS	1143 E GARWOOD RD
P_ZIPCODE	
SUB_NAME	
LEGAL1	TAX #13092 EX TAX #5
LEGAL2	
LEGAL3	
LEGAL4	
LEGAL5	
LEGAL6	<null>
ACRES	0
COUNTY	Kootenai
SOURCE	
YEAR_BUILT	1927

Identified 1 feature

Table Of Contents Identify

Identify

Identify from: Taxlots

Taxlots
SPACKMAN, KATHRYN

Location: 2,292,463.117 1,851,691.714 Meters

Field	Value
ID	5253195
UPDATED	9/28/2015
PIN	52N04W248800
OWNER	SPACKMAN, KATHRYN
ADDRESS1	1123 E GARWOOD RD
ADDRESS2	
CITY	HAYDEN
STATE	ID
ZIPCODE	83835
P_ADDRESS	1123 E GARWOOD RD
P_ZIPCODE	
SUB_NAME	
LEGAL1	TAX #13477
LEGAL2	
LEGAL3	
LEGAL4	
LEGAL5	
LEGAL6	<null>
ACRES	0
COUNTY	Kootenai
SOURCE	
YEAR_BUILT	1977

Identified 1 feature

Table Of Contents Identify

October 4, 2016

RECEIVED
OCT 04 2016
IDWR / NORTH

To: Idaho State Department of Water Resources

From: Kathryn M Spackman

Re: South 660 feet of 24 52 4 W Sec. East of Highway 95, and WATER RIGHT OF PRE 1924

In September of 1972 Raymond and I resided with his parents at Rt 1 Box 309, Hayden, Idaho. We had moved from 938 Brookwood Vallejo, California.

In December of 1972 we placed a mobile home (1972 Fleetwood) at the above stated land description and utilized the water.

That placement created the address of Raymond and Kathryn Spackman, at RT 3 Box 82, Hayden Lake, Idaho, 83835. That address was later changed by the county to, 935 E Garwood Rd, Hayden Idaho, 83835. That address was later changed to the current address of 1123 E Garwood Rd, Hayden, Id, 83835, where I reside as a single woman as Raymond and divorced in 1981.

Sincerely,

Kathryn M Spackman
Kathryn M Spackman

ACKNOWLEDGMENT

I, IDAHO
County of Kootenai
this 4th day of Oct., 2016
personally appeared before me,
☒ who is personally known to me
whose identity I verified on the basis of _____
whose identity I verified on the substantiation of _____
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged the
contents signed it. [Signature]
My Commission Expires 7/11/2022

TAXPAYER'S 1973 ASSESSED VALUATION

PROPERTY SITUATED IN KOOTENAI COUNTY, IDAHO

LOOK OVER THIS SCHEDULE — NOTIFY THE ASSESSOR'S OFFICE
IMMEDIATELY OF ANY ERRORS, CHANGE OF OWNERSHIP OR ADDRESS

Raymond A. Spackman 38-579
938 Brookwood Ave.
Vallejo, Calif.

South 660 feet of 24 52 4W
Sec. east of Highway 95

CODE AREA

38

RECEIVED LAND

OCT 04 2016

IDWR / NORTH

- 1 - 2 - 32 Irrigated Agricultural
- 4 - 5 - 34 Irrigated-Improved Grazing
- 6 - 7 - 35 Non-Irrigated Agricultural
- 8 - 9 - 38 Timber Land
- 10 - 10 - 39 Mineral Land
- 11 - 11 - 40 Suburban Tract & Sub. Land (Acr.)
- 11 - 12 - 41 Suburban Lots
- 18 - 18 - 42 Standing Timber
- 14 - 14 - 43 Reservations & Easements
- 15 - 15 - 44 Business Lots
- 15 - 16 - 45 Business Acreage
- 16 - 17 - 46 Residence Lots
- 16 - 18 - 47 Residence Acreage
- 16A - 10 - 48 Recreational Land
- 17 - 20 - 49 Industrial Lots
- 18 - 21 - 50 Industrial Acreage

IMPROVEMENTS ON LAND & LOTS

- 22 - 51 Rural (other than commercial and industrial and rural subdivisions)
- 28 - 52 Residence (other than rural and on rural subdivisions)
- 24 - 53 Commercial (other than on rural subdivisions)
- 25 - 54 Industrial
- 26 - 55 On Rural Subdivision
- 27 - 56 Utility Systems (Locally Assessed)
- 29 - 74 On Suburban Tracts and Suburban Land (Acr.)

PERSONAL PROPERTY

- 21 - 22 - 57 Equities in State Land
- 23 - 58 Machinery, Tools or Equipment
- 24 - 59 Furniture, Fixtures, Libraries, Art and Coin Collections
- 25 - 60 Mobile Homes and Travel Trailers
- 26 - 61 Boats
- 27 - 62 Net Profit of Mines
- 28 - 63 Signs and Sign Boards

PERSONAL PROPERTY			REAL PROPERTY		
Class	Number	Value	Class	Acres	\$ Value
23-58		50	5-6-35	38	445
			6-7-36	1	3
			8-9-38	5.1	12
			BUILDINGS		
			Class		\$ Value
			22-51		1115
			Total Real P. Ass'mt.		1575
Total P. P. Assessment			Total Pers. and Real		1625

Property Is Listed By Class Number and Can Be Identified
By Classification Number Description Listed Here

The Board of County Commissioners shall meet as a Board of Equalization at least once in every month of the year up to the fourth Monday of June for the purpose of equalizing the assessment of property on the real and personal property rolls and shall meet on the fourth Monday of June in each year to complete the equalization of assessment on all real and personal property which has not yet been equalized. Upon meeting to complete the equalization of assessment, the board shall continue in session from day to day until assessment of such property has been completed and shall also hear and determine complaints upon allowing or disallowing exemptions under section 68-106D, Idaho Code. The board must complete such business and adjourn as a Board of Equalization on the second Monday of July.

Exemptions must be claimed each year before the 4th Monday of June. Widows (by the husband's death), blind persons, fatherless children under the age of 18, and Veterans of World War I, Spanish American War and Indian Wars and permanently disabled non-service connected American Veterans of all wars as recognized by the Federal Veterans Administration, MUST MAKE APPLICATION EACH YEAR for this exemption.

Certain retired persons 65 years of age and older, taxpayers of the State of Idaho for 10 years, residing in a dwelling house which he owns, the value of which does not exceed \$15,000 full cash value, upon making proper application to the assessor between January 1 and May 15 may receive a partial tax exemption upon approval of the application, and strict compliance with Sec. 63-117 Idaho Code. MUST MAKE APPLICATION EACH YEAR for this exemption.

STATE OF IDAHO, } ss.
County of Kootenai,

I, _____, do solemnly swear (or affirm) that (to the best of my knowledge and belief) the information contained herein is a full, true and correct statement of all property of the owner herein named, subject to assessment by the Assessor of said County at 12:01 A. M. on the 1st day of January last, or on the day of assessment; that no property of said owner has been wilfully concealed, removed, transferred, misrepresented or omitted from the above Statement for the purpose of evading taxation; that all real property above described is owned by the person named as owner in said statement, and any taxes levied against the above described personal property are a just and valid lien against such real real property.

Subscribed and sworn to before me this 6 day of June 1978.

Taxpayer's Signature

EARL Z. ANDERSON,
Kootenai County Assessor

By _____ Deputy

Bldgs. (Estimated) Value 7436
Land (Estimated) Value 3065
Assessed at 15 %

Werner, Linda

From: Kathy Spackman <katspack63@yahoo.com>
Sent: Wednesday, February 22, 2017 9:08 AM
To: Werner, Linda
Subject: Ray Spackman Letter

RECEIVED
FEB 24 2017
IDWR / NORTH

RECEIVED
FEB 22 2017
IDWR / NORTH

February 22, 2017

Department of Water Resources

My father Landon Spackman leased the property of which 10 acres is currently owned and resided by my ex-wife, Kathryn M Spackman and myself which is where one of the spigots (there were two) drawing water from the spring in question is located. He leased the property around 1945 for about 3 years, and ran stock and cultivated hay and wheat. IN 1945 RAS 2/24/17

After about 3 years my father purchased the property and continued the same activities.

In September of 1958 I came home on leave, from the Navy .

I found that my father. had placed a mobile home on the upper part of the property using the existing spigot, which is now known as my address 1361 E Garwood Rd, Hayden, Idaho.

That mobile home became a rental up until the mid 1970's when I replaced it with a single wide that was continually used as a rental. I replaced that single wide with a 1994 double wide which is my current address.

After I was living there Avista installed their gas line and disrupted the upper spigot and it was removed. I had already connected my water line in 1994 to the above mentioned double wide mobile home to the spigot remaining on my acreage to the spring.

Sincerely,



Raymond A Spackman

TDWR / NORTH

शुद्ध पोलि

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overalls
F. 84115

Leaflets of Ranunculus

575

Sold Barn

7114
P70

14

El. Granod. Id.

Gas co Tore out live
and spicket and
did not replace
By 4/19/90
Spring

Wasser
Spätkalz
Gas und

५५

RECEIVED
AUG 05 2021
DEPARTMENT OF
WATER RESOURCES

Exhibit B

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 95-14511

Date Received: 10/23/2009

Receipt No: N022577

Received By: Am

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) KATHAYN M SPACKMAN Phone (208) 641-0555

Mailing Address 1123 SPACKMAN GARWOOD RD HAYDEN ZIP 83835
Street or Box City State

2. Date of Priority (Only one (1) per claim) 10/01/1975
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (X) (a) SPRING
which is tributary to (b) SINKS

4. a. Location of Point of Diversion is: Township 52 N, Range 4/W, Section 25,
SW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of KOOTENAI

Parcel (PIN) no. 52N04W-25-1300

Additional points of diversion if any: N/A

If available, GPS Coordinates N/A

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.

THE ORIGINAL WATER SYSTEM CONSISTED OF A DEVELOPED SPRING
THAT WAS PIPED TO THREE HOMES ON A 6 INCH HEAD 3 INCH
DIAMETER PIPELINE. SYSTEM HAS BEEN MODIFIED BY PROPERTY
OWNER AT POINT OF DIVERSION TO DIVERT WATER ABOVE DAM
INTO PIPELINE.

SCANNED

OCT 23 2009

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For DOMESTIC purposes from 01-01 to 12-31 amount .08 or 1.8

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 (cfs) and/or (b) 1.8 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 2

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.

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	4W	24																D	

Parcel (PIN) no(s) 52N04W-24-8800
52N04W-24-8900

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? ROOTENAI

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

AWATER DISTRICTS OPERATES IN AREA, BUT I AM NOT CONNECTED TO IT. or None (X)

13. Remarks: ATTACHMENTS #1 WARRANTY DEED (1915) AGREEMENT TO
SHARE WATER (1924) 1960 DECREE, MAP 1, MAP 2.

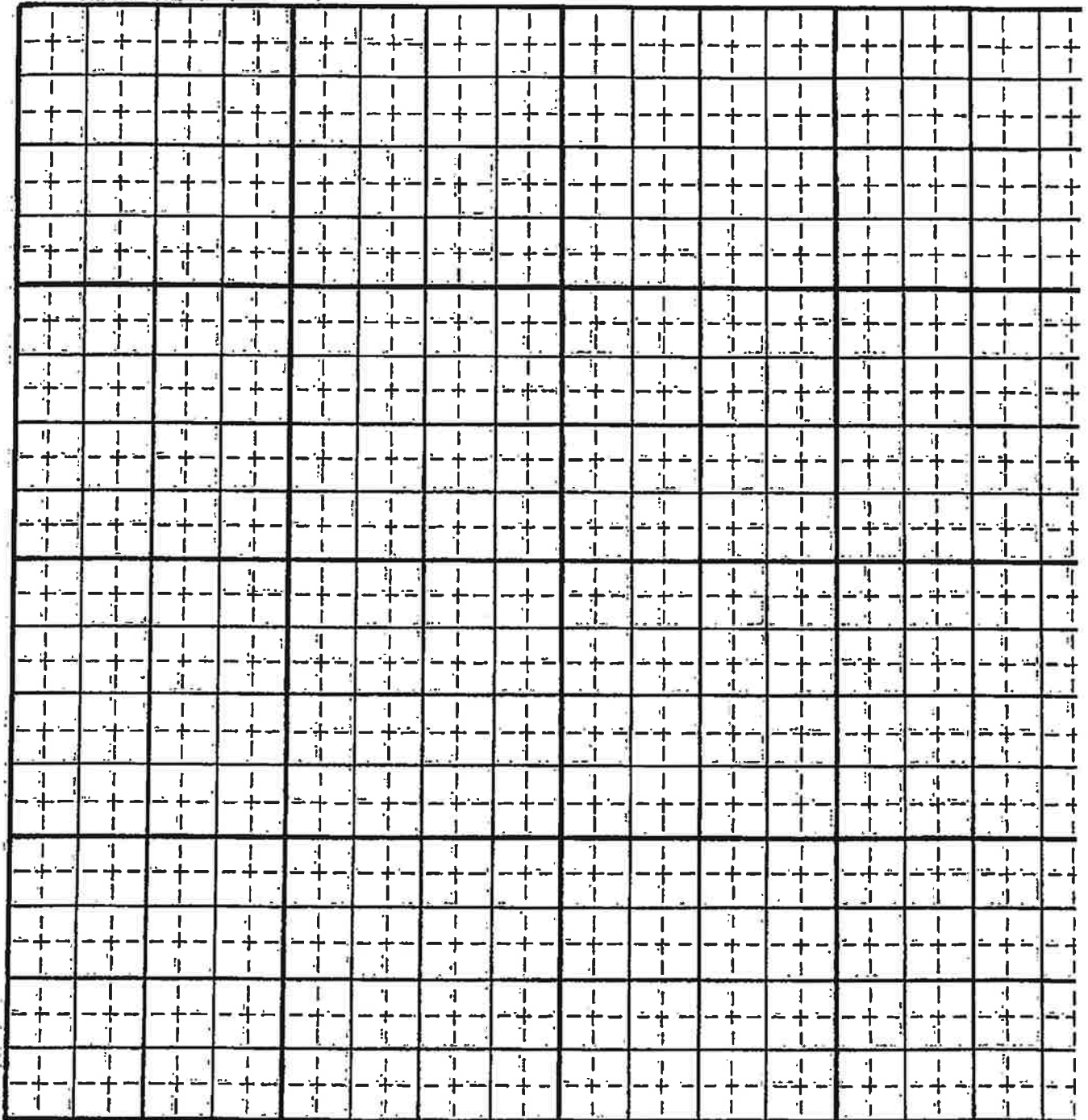
Last Name SPACKMAN

Identification No. SCANNED

OCT 23 2009

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. **SCANNED**
OCT 23 2009

KS

19048

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice () License () Permit () Decree (☒)
Court Kootenai Decree Date 9/28/1960 Plaintiff v. Defendant HOWARD BEIGHTLE VS LADDON D
If applicable provide IDWR Water Right Number KS ROSE SPACKMAN

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: SEE REMARKS

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) Kathryn M. Spackman Date: 10/23/2009
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 SPACKMAN Identification No. SCANNED

OCT 23 2009

RECEIVED
OCT 23 2009

62586

WARRANTY DEED.

The Grantor C. S. Argo and Mary W. Argo, his wife, of Spokane, County of Spokane, State of Washington, for and in consideration of four thousand five hundred dollars, in hand paid, convey and warrant to Ludvig A. Schroder the following described real estate, situated in the County of Kootenai, State of Idaho:

The Northeast quarter of the Northeast quarter, and the west half of the Northeast quarter of Section No. twenty-five (25) township fifty-two (52) North range four (4), West Boise Meridian, excepting and reserving Lots three (3) seven (7) eight (8) nine (9) and ten (10) of Block one (1) and Lots two (2) three (3) and six (6) of Block two in the town of Garwood, and highways and also excepting and reserving all the water that will flow through a three inch pipe under a six inch head from the source or mouth of the spring located on the Northeast quarter of the Northeast quarter of said Section twenty-five (25) and the right to lay such pipe from the source or mouth of said spring in a Northerly direction across said NE 1/4 of the NE 1/4 to and across the highway at the right at any and all times to go upon said land to repair, relay or clean out said pipe and to clean out the head. Subject to a mortgage of \$1900 with interest thereon from Oct. 1st 1914 given to Frances L. C. Hays and now owned by Magda K. Svendsen.

Dated this 1st day of October, 1915.

C.S. Argo (Seal)
Mary W. Argo (Seal)

I. S. Stamps \$4.50.

STATE OF WASHINGTON)
County of Spokane) SS

Ludvig A. Schroder

RJD
FED

136 PAGE 376 A

RECORDED

THIS AGREEMENT, made and entered into this 11th day of March, 1924, by and between EUELLA D. KIMBALL, a widow of Pasadena, California, party of the first part, and V. O. HUGHES and ANNA T. HUGHES, his wife, of Kootenai County, Idaho, parties of the second part,

WHEREAS first party is the owner of all water that will flow through a 3 inch pipe under a 6 inch head from a source or mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North Range 4 W. B. M., together with the right of way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North Range 4 W. B. M. lying on the easterly side of the right of way of the Spokane International Railway Company.

AND WHEREAS said second parties are the owners of the balance of the water of said spring and of said Northeast Quarter of Northeast Quarter of said Section 25.

AND WHEREAS in settlement of a dispute as to the right of each of said parties to the water of said spring the parties to this agreement have come to an understanding as hereinafter provided.

Therefore it is agreed that if at any time the water of said spring shall not be sufficient to supply said first party, her successors and grantees with all the water that will flow through a three inch pipe under a six inch head, and also a like amount to said second parties, their successors and grantees, that during such time as said spring shall be unable to supply said amount, the water shall be equally divided between the parties hereto, their successors and grantees. It being understood and agreed, however, that

OCT 23 2009

whenever the water is sufficient to supply each of said parties, their successors and grantees with the amount of water which will flow through a three inch pipe under a six inch head from the source or mouth of said spring, that said first party, her successors and grantees shall have the right to the full amount of said flow through said pipe.

It is further agreed that said first party, her successors and grantees shall have the right to use the water for domestic and stock raising purposes and irrigating the South Half of Section 24 lying on the easterly side of the right of way of said Spokane & International Railway Company, and shall not have the right to use or sell said water for any other purpose.

It is further agreed that each of said parties hereto, their successors and grantees, shall use due care to protect said water supply and not in any way interfere with the source of supply of said spring. In other words, allow the water to percolate and flow into said spring in its natural condition as it now flows and they shall do such work as may be necessary to increase the supply of the flow of said water into said spring.

IN WITNESS WHEREOF said parties have hereunto subscribed their names and affixed their seals in duplicate this 11th day of March, 1924.

Snella D. Kimball
Party of First Part

W.C. Hughes
Party of Second part

Anna P. Hughes
Party of Second Part

Rose Spackman
Rose Spackman

CONFIRMED

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IOWA, IN AND FOR THE COUNTY OF KOOTENAI

EDWARD G. BROWN and LEON E.
BROWN, husband and wife,
Plaintiffs,

vs.

J. M. GAY, and if married,
his wife,
J. M. GAY, and if married,
his wife, ROYAL
P. GAY, and if married, JANE
P. GAY, and if married, LILLIAN B.
P. GAY, and if married, JOHN
P. GAY, and if married, V.
P. GAY, and if married, CHARLES E.
P. GAY, and if married, JANE DOE
P. GAY, and if married, THE IOWA
RAILROAD COMPANY, LONDON
P. GAY, and if married, his wife,
J. M. GAY, and if married, or if
deceased, his heirs and/or devisees,
and the persons as may be
ascertained by the court.

The Northern Quarter of the
Section 25, Township 4 North,
Range 4 West of
County, Iowa, and

The Southern Quarter of the North-
western Quarter of the Section 25,
Township 4 North, Range 4 West of
County, Iowa, and

The other, other persons and/or
other places situate or located
upon said described property,
Defendants.

25 Jan 36

No. 19048
DECREE

E. W. LARSON
E. W. LARSON
CLERK OF DISTRICT COURT

SCANNED
OCT 23 1935

The records and files in this cause and the competent oral and documentary evidence adduced at the ten o'clock A.M. hearing on the date hereof justifies that all of the material allegations as contained in the complaint are substantiated and the conclusions that the plaintiffs are entitled to judgment as sought in the complaint to rein, with the exception of the right of the defendants LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, whose rights are set out herein in conformity with the stipulation and consent of said LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, on file herein, and the Court so finding and concluding and record proof being on file showing that the defendants were all duly served with Summons, that more than twenty days have elapsed since each were so served with Summons, none of the defendants, excepting LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, having appeared, answered or pleaded, and all, excepting LANDON D. SPACEMAN and ROSE SPACEMAN are in default, and the default of each and all has been duly entered upon proper demand and written Findings of Fact and Conclusions of Law being waived, now therefore, upon motion of E. L. Miller, attorney for the plaintiffs,

IT IS HEREBY DECREED, ADJUDGED AND ORDERED that:

1. The Court has acquired and now has jurisdiction of the subject matter in this action and all the defendants due service has been made upon all of the defendants, the defendants, excepting LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, are all in default, the default of each of the defendants, except said LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, has been duly entered, and
2. Plaintiffs personally, and their predecessors in interest, for over five years have been the owners of and have had the

SECRET
OCT 23 1964

exclusive possession of;

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The water, water resources and/or water rights situate or located upon said described property.

and have paid all taxes, assessments and impositions against all of the foregoing described property, and the plaintiffs therefore are the only persons who are the owners of or entitled to the possession of the foregoing property, excepting for the interest of the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, hereinafter set forth.

3. None of the defendants, excepting said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have any right, title, claim and/or interest in all or any part of the above described property and the water, water resources and/or water rights situate or located upon said described property and all are forever debarred by this Decree.

4. That LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, are the owners of and entitled to all the water that will flow through a three inch pipe under six inch head, six feet in length from a source from a mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North, Range 4, W.B.M., Kootenai County, Idaho, together with the right-of-way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North, Range 4, W.B.M., lying on the easterly side of the right-of-way of the Spokane International Railway Company.

That said rights of LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, shall be governed by and be in accordance with the terms of the agreement dated the 11th day of March, 1924, by and between Luella B. Kimball, a widow, party of the first part, and V. O. Hughes and Anna T. Hughes, his wife, parties of the second part, and the rights of said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, in and to the property of the plaintiffs hereinabove described shall be determined by and limited to the terms of said agreement and the terms of this Decree, said agreement being placed of record in Kootenai County Courthouse the 1st day of June, 1940, in Book 9, page 172 of Miscellaneous Records.

That the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have no right, title, claim and/or interest in all or any part of the above described property other than as in this Decree set forth.

ENTERED this 22nd day of September, 1940.

Approved as to content
and form.

C. A. V. J. J.
District Judge

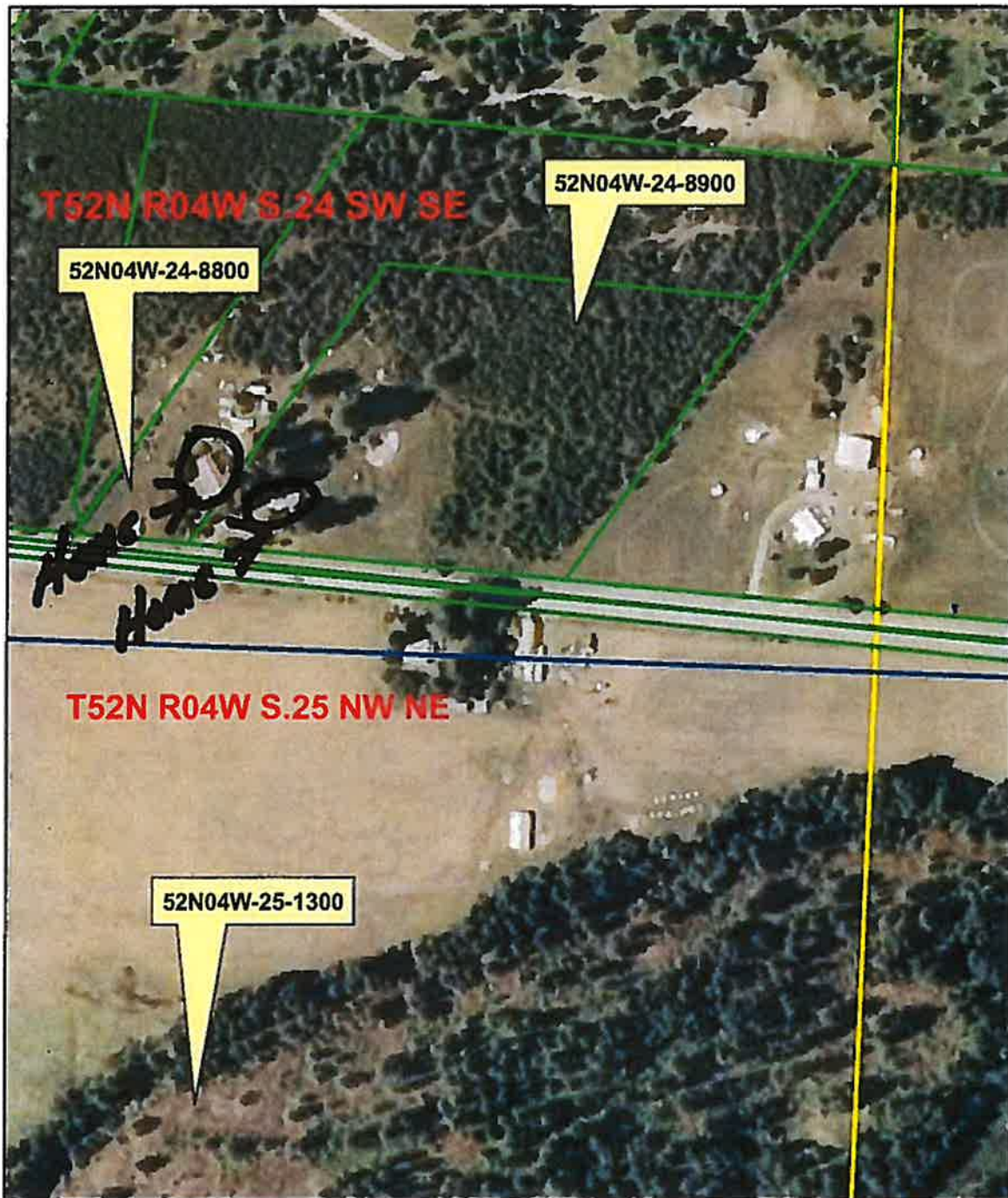
Landon D. Spackman
Landon D. Spackman

Rose Spackman
Rose Spackman

OCT 7 3 2009

SPACKMAN PIN 52N04W-25-1300

MAP #1



MAP #2

T52N R04W S.24 SW SE

T52N R04W S.24 SE SE

T52N R04W S.25 NW NE

T52N R04W S.25 NE NE

Handwritten notes and arrows in the bottom right section of the map.

RECEIVED
AUG 05 2021
DEPARTMENT OF
WATER RESOURCES

Exhibit C

RECEIVED

AUG 05 2021

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 03 2018

IDWR / NORTH

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: 95-13699

Date Received: 10/28/2010

Receipt No: N021939

Received By:

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

1. Name of Claimant(s)

RAYMOND A SPACKMAN

PO BOX 3581

HAYDEN ID 83835

2. Date of Priority: ~~4/11/1951~~ *7/2/1902*

3. Source: SPRING

Tributary to: SINKS

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>
52N	04W	25	NE NE		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	0.04	
STOCKWATER	01/01 12/31	0.02	

7. Total Quantity Appropriated is: 0.06 C.F.S. and/or A.F.A

8. Non-Irrigation uses:

<u>Number of Homes: 1</u>	<u>Water Use</u>	<u>Type Of Stock</u>	<u>Number Of Stock</u>
	STOCKWATER	Other	13

9. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
52N	04W	24	SE SE		DOMESTIC	
			SW SE		DOMESTIC	
					Section Acres	
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
52N	04W	24	SE SE		STOCKWATER	
			SW SE		STOCKWATER	
					Section Acres	

95-13699

8/3/2018

Total Acres

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

STOCKWATER

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): Raymond A. Sackin Date: 8/3/18

Date: _____

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

Title of _____
Organization

That I have signed the foregoing document in the space below as

Title of _____
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

RECEIVED

FEB 24 2017

IDWR / NORTH

gas pole
not
found

1948-1952

water
for
house

house

old barn

house

old house

old house

gas ca. 7000 ft
and spike
did not replace
in 1985-1986

water
will spike
gas line

2

Di. Grounded

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

SEP 28 1933

EDWARD C. BRIGGLE and LOUIE E.
BRIGGLE, husband and wife,

vs. H. W. LARSON

Plaintiffs,

No. 19048

vs.

STIPULATION AND CONSENT

J. H. COSE, et al,

TO DECREE

Defendants.

Come now LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, Defendants in the above captioned action, and consent to the entry of judgment herein, providing, however, that the Decree contain the following provision, to-wit:

IT IS FURTHER ADJUDGED AND DECREED that LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, are the owners of and entitled to all water that will flow through a three inch pipe under a six inch head, six feet in length, from a source or mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 23, Township 52 North, Range 4, W.B.M., together with the right-of-way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North, Range 4 W.B.M. lying on the easterly side of the right-of-way of Spokane International Railway Company.

That said right of LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, shall be governed by and be in accordance with the terms of the agreement dated the 11th day of March, 1934, by and between LUELLA D. FIDRALL, a widow, party of the

360623

WARRANTY DEED

Book 175 page 286

FOR VALUE RECEIVED BRUCE P. FOUNTAIN, who at the time of acquisition of said property in April 2, 1945, and on September 7, 1945, was a divorced man, and subsequent to said acquisition did marry his present wife, LORETTA, said BRUCE P. FOUNTAIN and LORETTA FOUNTAIN, joining herein as Grantors as husband and wife, Grantors, do hereby grant, bargain, sell and convey unto HOWARD C. BEIGHLE and LUCY B. BEIGHLE, husband and wife, the Grantees, the following described premises, in Kootenai County, State of Idaho, to-wit:

PARCEL NO. 1: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 25, Township 52 North, Range 4 West of the Boise Meridian.

PARCEL NO. 2: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, Township 52 North, Range 4 West of the Boise Meridian, all in Kootenai County, Idaho.

SUBJECT TO: Agreement under instrument dated January 5, 1900, recorded in Book R of Misc. Records, page 480 between Levi Yother, Party of the First Part and J. M. Cook, wherein first party agrees to deliver to the party of the second part running water sufficient to fill a two inch pipe, said pipe running over and across the NW corner of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Sec. 25, together with all rights privileges and right of way pertaining to said water pipe; it is further agreed that the said water pipe shall be laid 16 inches beneath the surface of said right of way. Said water agreement was assigned by James M. Cook to Robert Miller by assignment filed July 2, 1902, but which does not appear to have been recorded.

SUBJECT TO: All the water which will flow through a 3 inch pipe under a 6 inch head from the source or mouth of the spring located on the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 25, together with a right of way from the source of said spring to the lands as conveyed to Royal D. Bisbee by deed recorded in Book 101 of Deeds, page 327. Said instrument recites that the conveyance is subject to the provisions of an agreement between Luella D. Kimball and V. O. and Anna T. Hughes, his wife, entered into March 11, 1924, whereby it is agreed that at any time there shall be not enough water to supply two 3 inch pipes flowing from said spring under a 6 inch head, that said grantee, their successors and assigns shall only be entitled to one-half of the water so flowing from said spring during said time; provided further that said water hereby conveyed shall be used for domestic and stock raising purposes and irrigating the land hereby conveyed and no other.

SUBJECT TO: Agreement under instrument dated September 23, 1925, recorded in Book 9 Misc., page 172, wherein V. O. Hughes and Anna Pearl Hughes, his wife, are the owners of a supply of water situate on the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Said Sec. 25, and agree to furnish water to the Spokane International Railway Company for domestic use for its section house at Garwood for the sum of \$1.50 per month. It is the intention of this agreement that second Party shall have the perpetual right to receive said supply of domestic water through said pipeline and to that end it is agreed between parties hereto that the right of Second Party to receive said supply of domestic water upon payment therefor as herein provided shall be construed to be and remain a covenant running with the hereinbefore described land belonging to first parties.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

EDWARD O. NICHOLS and LEOY E.
NICHOLS, husband and wife,

Plaintiffs,

vs.

J. M. CROW, and if married,
JANE DOK CROW, his wife,
ROBERT MILLER, and if married,
JANE DOK MILLER, his wife, ROYAL
D. FISHER, and if married, JANE
DOK FISHER, his wife, LUCILLA B.
KENDALL, and if married, JOHN
DOK KENDALL, her husband, W.
O. NICHOLS and ANNA T. NICHOLS,
husband and wife, CHARLES E.
NICHOLS, and if married, JANE DOK
NICHOLS, his wife, THE SPOKANE
INTERCITY RAILWAY COMPANY,
a Washington corporation, LAMON
D. NICHOLS, and if married,
JANE DOK NICHOLS, his wife,
SAMUEL E. JONES, or if
any of the foregoing be deceased,
his unknown heirs and/or devisees
of each of the foregoing as may be
deceased, and the unknown owners
of an interest in:

The Northwest Quarter of the
Section 22, T4N, R12E, and
the West 1/2 of the Northwest
Quarter of the Section 23,
T4N, R12E, both in West of
the 1st Meridian, Kootenai
County, Idaho, and

The Southwest Quarter of the North-
west Quarter of the Section 23,
T4N, R12E, both in West of
the 1st Meridian, Kootenai
County, Idaho, and

The other, more numerous and/or
more rights therein or interest
than are described property.

Defendants.

No. 19048

DEGREE

FILED
A. W. LINDON
CLERK DISTRICT COURT

FILED
J. M. CROW
J. M. CROW
J. M. CROW

The records and files in this cause and the competent oral and documentary evidence adduced at the ten o'clock A.M. hearing on the date hereof justifies that all of the material allegations as contained in the complaint are substantiated and the conclusions that the plaintiffs are entitled to judgment as sought in the complaint herein, with the exception of the right of the defendants LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, whose rights are set out herein in conformity with the stipulation and consent of said LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, on file herein, and the Court so finding and concluding and record proof being on file showing that the defendants were all duly served with Summons, that more than twenty days have elapsed since each were so served with Summons, none of the defendants, excepting LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, having appeared, answered or pleaded, and all, excepting LANDON D. SPACKMAN and ROSE SPACKMAN are in default, and the default of each and all has been duly entered upon proper demand and written Findings of Fact and Conclusions of Law being waived, now therefore, upon motion of E. L. Miller, attorney for the plaintiffs,

IT IS HEREBY DECREED, ADJUDGED AND ORDERED that:

1. The Court has acquired and now has jurisdiction of the subject matter in this action and all the defendants due service has been made upon all of the defendants, the defendants, excepting LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, are all in default, the default of each of the defendants, except said LANDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, has been duly entered, and

2. Plaintiffs personally, and their predecessors in interest, for over five years have been the owners of and have had the

exclusive possession of:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The water, water resources and/or water rights situate or located upon said described property.

and have paid all taxes, assessments and impositions against all of the foregoing described property, and the plaintiffs therefore are the only persons who are the owners of or entitled to the possession of the foregoing property, excepting for the interest of the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, hereinafter set forth.

3. None of the defendants, excepting said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have any right, title, claim and/or interest in all or any part of the above described property and the water, water resources and/or water rights situate or located upon said described property and all are forever barred by this Decree.

4. That LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, are the owners of and entitled to all the water that will flow through a three inch pipe under six inch head, six feet in length from a source from a mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North, Range 4, W.B.M., Kootenai County, Idaho, together with the right-of-way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North, Range 4, W.B.M., lying on the easterly side of the right-of-way of the Spokane International Railway Company.

That said rights of LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, shall be governed by and be in accordance with the terms of the agreement dated the 11th day of March, 1924, by and between Luella B. Kimball, a widow, party of the first part, and V. O. Hughes and Anna T. Hughes, his wife, parties of the second part, and the rights of said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, in and to the property of the plaintiffs hereinabove described shall be determined by and limited to the terms of said agreement and the terms of this Decree, said agreement being placed of record in Kootenai County Courthouse the 1st day of June, 1960, in Book 2, page 172 of Miscellaneous Records.

That the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have no right, title, claim and/or interest in all or any part of the above described property other than as in this Decree set forth.

ENTERED this 22nd day of September, 1960.

Approved as to content
and form.

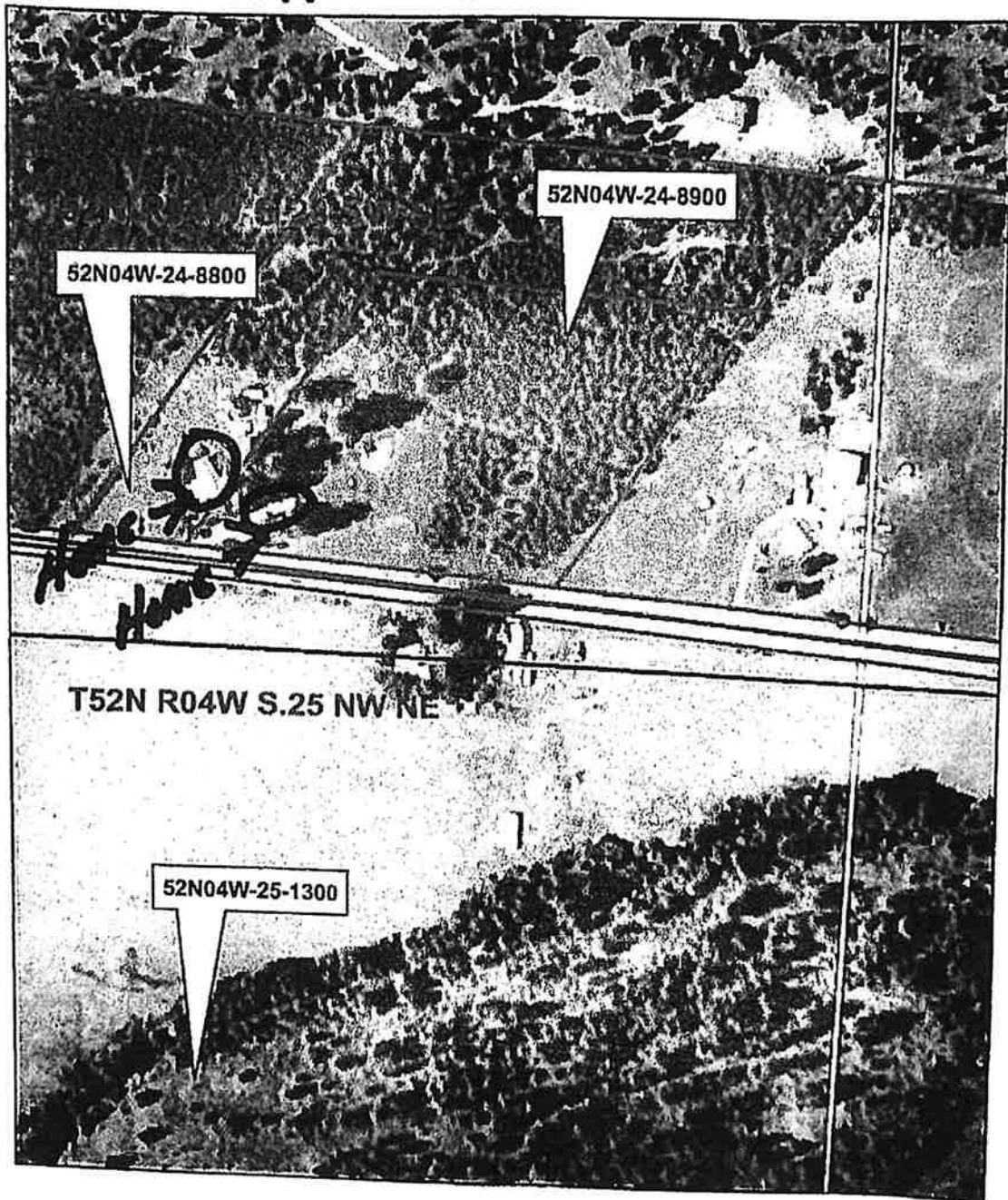
Chas. V. [Signature]
District Judge

[Signature]
London D. Spackman

[Signature]
Rose Spackman

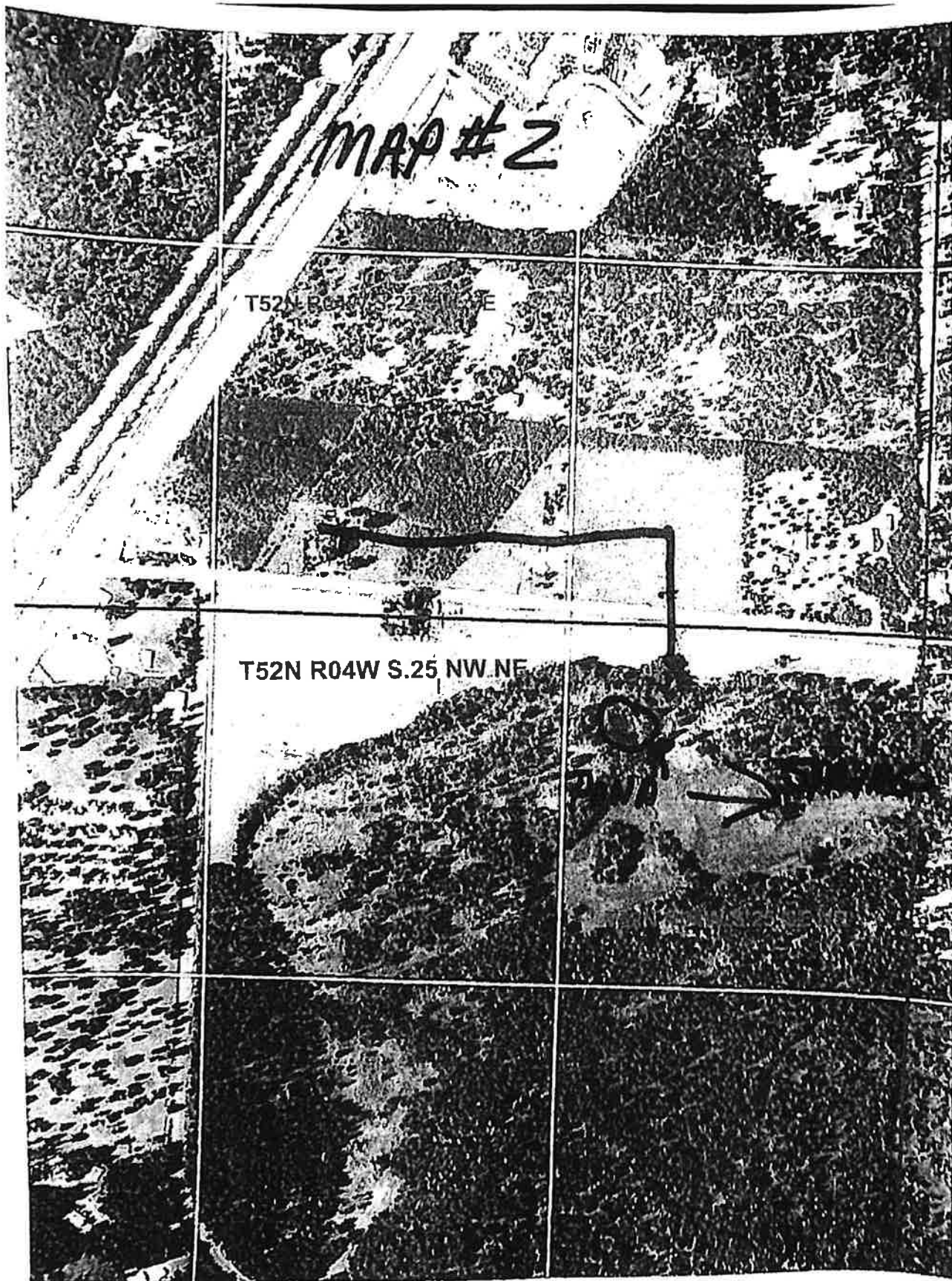
SPACKMAN PIN 52N04W-25-1300

MAP #1



SCANNED

Apr 23 2009



RJD
FEB

136 PAGE 376 A
SPOKANE

THIS AGREEMENT, made and entered into this 11th day of March, 1924, by and between JUELLA D. KIMBALL, a widow of Pasadena, California, party of the first part, and V. O. HUGHES and ANNA T. HUGHES, his wife, of Kootenai County, Idaho, parties of the second part,

WHEREAS first party is the owner of all water that will flow through a 3 inch pipe under a 6 inch head from a source or mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North Range 4 W. B. M., together with the right of way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North Range 4 W. B. M. lying on the easterly side of the right of way of the Spokane International Railway Company.

AND WHEREAS said second parties are the owners of the balance of the water of said spring and of said Northeast Quarter of Northeast Quarter of said Section 25.

AND WHEREAS in settlement of a dispute as to the right of each of said parties to the water of said spring the parties to this agreement have come to an understanding as hereinafter provided.

Therefore it is agreed that if at any time the water of said spring shall not be sufficient to supply said first party, her successors and grantees with all the water that will flow through a three inch pipe under a six inch head, and also a like amount to said second parties, their successors and grantees, that during such time as said spring shall be unable to supply said amount, the water shall be equally divided between the parties hereto, their successors and grantees. It being understood and agreed, however, that

BOOK 36 PAGE 16 B

whenever the water is sufficient to supply each of said parties, their successors and grantees with the amount of water which will flow through a three inch pipe under a six inch head from the source or mouth of said spring, that said first party, her successors and grantees shall have the right to the full amount of said flow through said pipe.

It is further agreed that said first party, her successors and grantees shall have the right to use the water for domestic and stock raising purposes and irrigating the South Half of Section 24 lying on the easterly side of the right of way of said Spokane & International Railway Company, and shall not have the right to use or sell said water for any other purpose.

It is further agreed that each of said parties hereto, their successors and grantees, shall use due care to protect said water supply and not in any way interfere with the source of supply of said spring. In other words, allow the water to percolate and flow into said spring in its natural condition as it now flows and they shall do such work as may be necessary to increase the supply of the flow of said water into said spring.

IN WITNESS WHEREOF said parties have hereunto subscribed their names and affixed their seals in duplicate this 11th day of March, 1924.

Luella D. Kimball
Party of First Part

W. O. Hughes
Party of Second part

Anna P. Hughes
Party of Second Part

11-13-15
Bert 60

Came for Section 25 #2

82586

WARRANTY DEED.

The Grantor O. S. Argo and Mary W. Argo, his wife, of Spokane, County of Spokane, State of Washington, for and in consideration of four thousand five hundred dollars, in hand paid, convey and warrant to Ludvig A. Schroder the following described real estate, situated in the county of Kootenai, State of Idaho:

The Northeast quarter of the Northeast quarter, and the west half of the Northeast quarter of Section No. twenty-five (25) township fifty-two (52) North range four (4), West Boise Meridian, excepting and reserving Lots three (3) seven (7) eight (8) nine (9) and ten (10) of Block one (1) and Lots two (2) three (3) and six (6) of Block two in the town of Carwood, and highways and also excepting and reserving all the water that will flow through a three inch pipe under a six inch head from the source or mouth of the spring located on the Northeast quarter of the Northeast quarter of said Section twenty-five (25) and the right to lay such pipe from the source or mouth of said spring in a Northerly direction across said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ to and across the highway at the right at any and all times to go upon said land to repair, relay or clean out said pipe and to clean out the head. Subject to a mortgage of \$1900 with interest thereon from Oct. 1st 1915 given to Frances L. O. Hays and not owned by Magda R. Svendsen.

Dated this 1st day of October, 1915.

O.S. Argo (Seal)

Mary W. Argo (Seal)

L. A. Stamps \$4.50.

STATE OF WASHINGTON

County of Spokane

)
SS
)

360673

WARRANTY DEED

BOOK 175 PAGE 236

FOR VALUE RECEIVED BRUCE P. FOUNTAIN, who at the time of acquisition of said property in April 2, 1945, and on September 7, 1945, was a divorced man, and subsequent to said acquisition did marry his present wife, LORETTA, said BRUCE P. FOUNTAIN and LORETTA FOUNTAIN, joining herein as Grantors as husband and wife, Grantors, do hereby grant, bargain, sell and convey unto HOWARD C. BEIGHLE and LUCY E. BEIGHLE, husband and wife, the Grantees, the following described premises, in Kootenai County, State of Idaho, to-wit:

PARCEL NO. 1: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and W $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 25, Township 52 North, Range 4 West of the Boise Meridian.

PARCEL NO. 2: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, Township 52 North, Range 4 West of the Boise Meridian, all in Kootenai County, Idaho.

SUBJECT TO: Agreement under instrument dated January 5, 1900, recorded in Book R of Misc. Records, page 480 between Levi Yothers, Party of the First Part and J. M. Cook, wherein first party agrees to deliver to the party of the second part running water sufficient to fill a two inch pipe, said pipe running over and across the NW corner of the W $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Sec. 25, together with all rights privileges and right of way pertaining to said water pipe; it is further agreed that the said water pipe shall be laid 16 inches beneath the surface of said right of way. Said water agreement was assigned by James M. Cook to Robert Miller by assignment filed July 2, 1902, but which does not appear to have been recorded.

SUBJECT TO: All the water which will flow through a 3 inch pipe under a 6 inch head from the source or mouth of the spring located on the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 25, together with a right of way from the source of said spring to the lands as conveyed to Royal D. Bisbee by deed recorded in Book 101 of Deeds, page 327. Said instrument recites that the conveyance is subject to the provisions of an agreement between Luella D. Kimball and V. O. and Anna T. Hughes, his wife, entered into March 11, 1924, whereby it is agreed that at any time there shall be not enough water to supply two 3 inch pipes flowing from said spring under a 6 inch head, that said grantee, their successors and assigns shall only be entitled to one-half of the water so flowing from said spring during said time; provided further that said water hereby conveyed shall be used for domestic and stock raising purposes and irrigating the land hereby conveyed and no other.

SUBJECT TO: Agreement under instrument dated September 23, 1925, recorded in Book 9 Misc., page 172, wherein V. O. Hughes and Anna Pearl Hughes, his wife, are the owners of a supply of water situate on the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Said Sec. 25, and agree to furnish water to the Spokane International Railway Company for domestic use for its section house at Garwood for the sum of \$1.50 per month. It is the intention of this agreement that second Party shall have the perpetual right to receive said supply of domestic water through said pipeline and to that end it is agreed between parties hereto that the right of Second Party to receive said supply of domestic water upon payment therefor as herein provided shall be construed to be and remain a covenant running with the hereinbefore described land belonging to first parties.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of

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 95-13699

Date Received: 8/31/0

Receipt No: N021939

Received By: KW

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

1. Name of Claimant(s) RAYMOND A SPACKMAN Phone 208 772-2914
Mailing Address PO BOX 3581 HAUZZER IDAHO Zip 83835
Street or Box City State
2. Date of Priority: (Only one per claim) 9/29/1960
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (X) (a) SPRING
which is tributary to (b) SINKS
4. Location of Point of Diversion is: Township S2N, Range 04W, Section 25,
NE 1/4 of NE 1/4, or Govt. Lot _____ BM. County of KOSTENIA;
Parcel (PIN) no. -1300
Additional points of diversion if any: _____
If available, GPS coordinates: _____
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.
COLLECTION BOX AND PIPE
6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)
For DOMESTIC purposes from 1 JAN to DEC 31 amount .64 CFS
For STOCK WATER purposes from 1 JAN to DEC 31 amount .02 CFS
7. Total Quantity claimed .06 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 13 LIVE STOCK

9. Location of Place of Use is: Township 52N, Range 64W, Section 24,
SE 1/4 of SE 1/4, Govt. Lot BM. Parcel (PIN) no. ~9750
If different than shown in Item 4

for (Check One) Domestic () Stock () Domestic and Stock (☒)

Additional places of use, if any SW SE 52N 04W 24

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:

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) R. Spackman

Date: 31 Aug 2009

_____ 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. _____

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DEPARTMENT OF
WATER RESOURCES

Exhibit D

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Form 42-248/42-1409(6) Rev. 1/15

AUG 20 2018

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DE ✓

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

Notice of Change in Water Right Ownership

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?
95-13699	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: Raymond A Spackman
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Daniel A Barkley, Melissa Marie Stocking
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 1361 E Garwood Rd Hayden ID 83835
Mailing address City State ZIP
509 342-4699 208 640-0567 d.barkley117@gmail.com melissa_stockingbarkley@yahoo.com
Telephone 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: August 3, 2018
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):
o \$25 per undivided water right.
o \$100 per split water right.
o 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 8-20-18
Signature of new owner/claimant Date
Signature: [Signature] Title, if applicable 8-20-18
Signature of new owner/claimant Date

For IDWR Office Use Only:

Received by NIA Date NIA Receipt No. NIA Receipt Amt. NIA
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 [Signature] Approved by [Signature] Processed by [Signature] Date 9-6-2018



Pioneer Title Co.
GOING BEYOND

100 Wallace Avenue
Coeur d Alene, ID 83814

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 656049 /TJ

JIM BRANNON 2 P 2655302000
KOOTENAI COUNTY RECORDER
PRP 8/2/2018 4:30 PM
REQ OF PIONEER TITLE KOOTENAI
COUNTY
RECORDING FEE: \$15.00 DD
Electronically Recorded

WARRANTY DEED

For Value Received Raymond A. Spackman and Karen A. Spackman, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Daniel A. Barkley and Melissa Marie Stocking, husband and wife, as community property with rights of
survivorship

hereinafter referred to as Grantee, whose current address is 1361 E. Garwood Rd. Hayden, ID 83835

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 1, 2018

Raymond A. Spackman

Karen A. Spackman
State of Idaho County of Kootenai

This record was acknowledged before me on August 1st, 2018 by Raymond A. Spackman and
Karen A. Spackman

Signature of notary public
Commission Expires: 11-9-22



EXHIBIT A

A portion of the South 660 feet of Section 24, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, as surveyed and marked on the ground according to the Record of Survey by F.W. Gentry Surveying further described as follows:

COMMENCING at the South Quarter corner of Section 24 from which the Southwest corner of said Section bears South 89°33'39" West, 2643.75 feet; thence

North 2°47'23" East, 26.36 feet to a point on the North right of way line of Garwood Road; thence

South 86°31'13" East, 894.73 feet along said North right of way line to the TRUE POINT OF BEGINNING; thence

North 33°11'00" East, 729.49 feet to the North line of the South 660 feet of Section 24; thence

South 86°31'13" East, 1360 feet, more or less, to the East line of the Southeast Quarter of Section 24; thence

Southerly along said East Section line, 634.8 feet, more or less, to the North right of way line of Garwood Road; thence

North 86°31'13" West, 1760 feet, more or less, along said North right of way line to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM the East 660 feet.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 6, 2018

DANIEL BARKLEY &
MELISSA MARIE STOCKING
1361 E GARWOOD RD
HAYDEN ID 83835

SUBJECT: Ownership Change on Notice of Claim Number(s) 95-13699

Dear Claimants:

We have processed your change of ownership request on the Notice of Claim to a Water Right Number(s) listed above. Enclosed is a copy of the claim showing such change; for your records. Also, this information can be accessed on our website at www.idwr.idaho.gov.

Sincerely,

Dawn R. Lenon
Technical Records Specialist I

Enclosure(s) Notice of Claim 95-13699

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DEPARTMENT OF
WATER RESOURCES

Exhibit E

AUG 05 2021

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report
WATER RIGHT NO. 95-2138

Owner Type	Name and Address
Current Owner	BECKY D NELSON 3120 COOLIDGE DR BELLINGHAM, WA 98225 3607349778
Current Owner	SUSAN MARTELL 3208 PLYMOUTH DR BELLINGHAM, WA 98225 3609616369
Attorney	MICHAEL P LAWRENCE GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720 2083881200

Priority Date: 01/09/1961
Basis: License
Status: Active

Source	Tributary
SPRINGS	SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.27 CFS	115 AFA
DOMESTIC	01/01	12/31	0.03 CFS	1.2 AFA
Total Diversion			0.27 CFS	116.2 AFA

Location of Point(s) of Diversion:

SPRINGS	NENE	Sec. 25	Township 52N	Range 04W	KOOTENAI County
SPRINGS	NENE	Sec. 25	Township 52N	Range 04W	KOOTENAI County
SPRINGS	NWNE	Sec. 25	Township 52N	Range 04W	KOOTENAI County

DOMESTIC Use:
Number of homes: 1
Place(s) of use:
Place of Use Legal Description: IRRIGATION KOOTENAI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
----------	-------	---------	-----	-------	-------	-----	-------	-------	-----	-------	-------	-----	-------	-------

52N | 04W | 25 | | NENE | 21 | | NWNE | 12 | | | | |
 Place of Use Legal Description: DOMESTIC KOOTENAI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
52N	04W	25		NWNE										

Total Acres: 33

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home.
4. S40 The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. PIN Parcel No. 52N04W251300
6. F05 Right Nos. 95-13699, 95-14511 and 95-17232 are also diverted through the points of diversion described above.

Dates:

Other Information:

State or Federal:

Owner Name Connector: AND/OR

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report
WATER RIGHT NO. 95-13699

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DANIEL A BARKLEY
Current Owner	MELISSA MARIE STOCKING 1361 E GARWOOD RD HAYDEN, ID 83835-7318 5093424699
Attorney	NORMAN M SEMANKO PARSONS BEHLE & LATIMER PLC 800 W MAIN ST STE 1300 BOISE, ID 83702 2085624900
Original Owner	RAYMOND A SPACKMAN PO BOX 3581 HAYDEN, ID 83835 2087722914

Priority Date: 09/01/1958
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.02 CFS	
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

SPRING | NENE | Sec. 25 | Township 52N | Range 04W | KOOTENAI County
DOMESTIC Use:
Number of homes: 1
Place(s) of use:
Place of Use Legal Description: STOCKWATER KOOTENAI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
52N	04W	24		SWSE			SESE							

Place of Use Legal Description: DOMESTIC KOOTENAI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
52N	04W	24		SWSE			SESE							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. PIN Parcel No. 52N04W249750
3. X01 Domestic use is for 1 home.
4. X02 Stockwater use is for 13 head of stock.
5. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
6. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
7. F06 The following rights are diverted through point(s) of diversion described above: 95-2138, 95-13699, 95-14511 and 95-17232 .

Dates:

Other Information:

State or Federal:

Owner Name Connector: AND/OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommended Right Report
 WATER RIGHT NO. 95-14511

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN M SPACKMAN 1123 E GARWOOD RD HAYDEN, ID 83835 2086410555
Attorney	NORMAN M SEMANKO PARSONS BEHLE & LATIMER PLC 800 W MAIN ST STE 1300 BOISE, ID 83702 2085624900

Priority Date: 05/20/1927

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING | NENE | Sec. 25 | Township 52N | Range 04W | KOOTENAI County

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: DOMESTIC KOOTENAI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
52N	04W	24		SWSE										

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
5. X01 Domestic use is for 1 home.
6. PIN Parcel No. 52N04W248800
7. F05 Right No(s). 95-2138, 95-13699 and 95-17232 are also diverted through the point of diversion described above.

Dates:**Other Information:**

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

8/3/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommended Right Report

WATER RIGHT NO. 95-17232

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BECKY D NELSON 3120 COOLIDGE DR BELLINGHAM, WA 98225 3607349778
Current Owner	SUSAN MARTELL 3208 PLYMOUTH DR BELLINGHAM, WA 98225 3609616369
Attorney	MICHAEL P LAWRENCE GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720 2083881200

Priority Date: 08/20/1907

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING | NENE | Sec. 25 | Township 52N | Range 04W | KOOTENAI County

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: DOMESTIC KOOTENAI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
52N	04W	25		NWNE										

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. X01 Domestic use is for 1 home.
4. PIN Parcel No. 52N04W251300
5. F06 The following rights are diverted through point(s) of diversion described above: 95-2138, 95-13699, 95-14511, 95-17232.

Dates:**Other Information:**

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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DEPARTMENT OF
WATER RESOURCES

Exhibit F

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MAR 29 2018

IDWR/NORTHERN

NOTICE OF ERROR
REPLY

02/09/2018

RECEIVED

AUG 05 2021

DEPARTMENT OF
WATER RESOURCES

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: 95-17232

BECKY D NELSON
3120 COOLIDGE DR
BELLINGHAM WA 98225
Telephone Number: 3697349778

SUSAN MARTELL
3208 PLYMOUTH DR
BELLINGHAM WA 98225
Telephone Number: 3609616369

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

Maintain established
watercourse and water rights as
established in 1907 and 1961.

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

See above

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

Disturbs watercourse and waterflow

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

DATE: 3/23/2018

SIGNATURE:

Sue Martell

Please print your name:

Susan L Martell



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 18, 2019

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

SUBJECT: Notice of Error Reply for Notice of Claim to a Water Right Number 95-2138

Dear Mr. Lawrence:

Enclosed please find a copy of a letter which I wrote to Susan Martell in answer to her Notice of Error Reply on the above numbered water right.

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800. Also, information relative to this claim file may be viewed at www.idwr.idaho.gov.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.

Enclosures: Letter Dated 1/18/2019 to Susan Martell
Copy of Agreement of 3/11/1924, Between L. Kimball and V.O. and A. Hughes
Decree Number 19048 Dated 9/28/1960
Warranty Deed Dated 10/1/1915, Between C.S. and M. Argo and L. Schroder



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 18, 2019

SUSAN MARTELL
3208 PLYMOUTH DR
BELLINGHAM WA 98225

SUBJECT: Notice of Error Reply for Notice of Claim to a Water Right Number 95-2138

Dear Ms. Martell:

The Idaho Department of Water Resources has reviewed the Notice of Error Reply for the above referenced water right claim.

Enclosed please find the following information which was used to make our determination:

- a. Copy of an agreement dated March 11, 1924, between Luella Kimball and V.O. Hughes and Anna Hughes
- b. Decree number 19048 dated September 28, 1960, and
- c. Warranty Deed dated October 1, 1915, showing C.S. and Mary Argo as Grantors and Ludvig Schroder as Grantee.

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800. Also, information relative to this claim file may be viewed at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Werner".

Linda A. Werner
Water Resource Agent, Sr.

Enclosures

Rose Spackman
Rose Spackman

COWLEY & LIND

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE
STATE OF IOWA, IN AND FOR THE COUNTY OF KOOTENAI

EDWARD G. BRIDGEMAN and LEUCY E.
BRIDGEMAN, husband and wife,

Plaintiffs,

उत्तर :-

J. N. COOK, and if married,
JANE DOR COOK, his wife,
ROBERT MILLER, and if married,
JANE DOR MILLER, his wife, ROYAL
D. FINE, and if married, JANE
DOR FINE, his wife, LUCILA B.
KIMBALL, and if married, JOHN
DOR KIMBALL, her husband, V.
O. HUNTER and ANNA T. HUNTER,
husband and wife, CHARLES E.
HUNTER, and if married, JANE DOR
HUNTER, his wife, THE STORAGE
INTERNATIONAL RAILWAY COMPANY,
a Washington corporation, LONDON
D. SHAW, and if married,
JANE DOR SHAW, his wife,
SAM WING, CHARL E. JONES, or if
any of the foregoing be deceased,
the unknown heirs and/or devisees
of each of the foregoing as may be
ascertained and the UNKNOWN HEIRS
OF OR CLAIMANTS TO;

The Northwest Quarter of the Northwest Quarter (NW 1/4) and the West Half of the Northwest Quarter of NW 1/4, Section 25, Township 13 North, Range 4 West County, Idaho, and

The Southwest Bureau of the North-
west Division (NW), Section 25,
the 10th, 11th, 12th, 13th & 14th of
County, Idaho, and

The water, water resources and/or water rights situate or located upon said described property,

Defendants,

The records and files in this cause and the competent oral and documentary evidence adduced at the ten o'clock A.M. hearing on the date hereof justifies that all of the material allegations as contained in the complaint are substantiated and the conclusions that the plaintiffs are entitled to judgment as sought in the complaint herein, with the exception of the right of the defendants LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, whose rights are set out herein in conformity with the stipulation and consent of said LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, on file herein, and the Court so finding and concluding and record proof being on file showing that the defendants were all duly served with Summons, that more than twenty days have elapsed since each were so served with Summons, none of the defendants, excepting LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, having appeared, answered or pleaded, and all, excepting LANDON D. SPACEMAN and ROSE SPACEMAN are in default, and the default of each and all has been duly entered upon proper demand and written Findings of Fact and Conclusions of Law being waived, now therefore, upon motion of E. L. Miller, attorney for the plaintiffs,

IT IS HEREBY DECREED, ADJUDGED AND ORDERED that:

1. The Court has acquired and now has jurisdiction of the subject matter in this action and all the defendants due service has been made upon all of the defendants, the defendants, excepting LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, are all in default, the default of each of the defendants, except said LANDON D. SPACEMAN and ROSE SPACEMAN, husband and wife, has been duly entered, and
2. Plaintiffs personally, and their predecessors in interest, for over five years have been the owners of and have had the

exclusive possession of:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 25, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, Idaho, and

The water, water resources and/or water rights situate or located upon said described property.

and have paid all taxes, assessments and impositions against all of the foregoing described property, and the plaintiffs therefore are the only persons who are the owners of or entitled to the possession of the foregoing property, excepting for the interest of the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, hereinafter set forth.

3. None of the defendants, excepting said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have any right, title, claim and/or interest in all or any part of the above described property and the water, water resources and/or water rights situate or located upon said described property and all are forever defeated by this Decree.

4. That LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, are the owners of and entitled to all the water that will flow through a three inch pipe under six inch head, six feet in length from a source from a mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North, Range 4, W.B.M., Kootenai County, Idaho, together with the right-of-way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North, Range 4, W.B.M., lying on the easterly side of the right-of-way of the Spokane International Railway Company.

That said rights of LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, shall be governed by and be in accordance with the terms of the agreement dated the 11th day of March, 1924, by and between Luella B. Kimball, a widow, party of the first part, and V. O. Hughes and Anna T. Hughes, his wife, parties of the second part, and the rights of said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, in and to the property of the plaintiffs hereinabove described shall be determined by and limited to the terms of said agreement and the terms of this Decree, said agreement being placed of record in Kootenai County Courthouse the 1st day of June, 1960, in Book 9, page 172 of Miscellaneous Records.

That the said LONDON D. SPACKMAN and ROSE SPACKMAN, husband and wife, have no right, title, claim and/or interest in all or any part of the above described property other than as in this Decree set forth.

ENTERED this 28th day of September, 1960.

Approved as to content
and form.

Clara V. Jones
District Judge

Landon D. Spackman
Landon D. Spackman

Rose Spackman
Rose Spackman

RJD
FEB

136 PAGE 376 A
GIMMANN

THIS AGREEMENT, made and entered into this 11th day of March, 1924, by and between LUELLA D. KIMBALL, a widow of Pasadena, California, party of the first part, and V. O. HUGHES and ANNA T. HUGHES, his wife, of Kootenai County, Idaho, parties of the second part.

WHEREAS first party is the owner of all water that will flow through a 3 inch pipe under a 6 inch head from a source or mouth of a spring located on the Northeast Quarter of the Northeast Quarter of Section 25, Township 52 North Range 4 W. B. M., together with the right of way from the source of said spring over said described land to that part of the South Half of Section 24, Township 52 North Range 4 W. B. M. lying on the easterly side of the right of way of the Spokane International Railway Company.

AND WHEREAS said second parties are the owners of the balance of the water of said spring and of said Northeast Quarter of Northeast Quarter of said Section 25.

AND WHEREAS in settlement of a dispute as to the right of each of said parties to the water of said spring the parties to this agreement have come to an understanding as hereinafter provided.

Therefore it is agreed that if at any time the water of said spring shall not be sufficient to supply said first party, her successors and grantees with all the water that will flow through a three inch pipe under a six inch head, and also a like amount to said second parties, their successors and grantees, that during such time as said spring shall be unable to supply said amount, the water shall be equally divided between the parties hereto, their successors and grantees. It being understood and agreed, however, that

SCANNED
OCT 23 2009

whenever the water is sufficient to supply each of said parties, their successors and grantees with the amount of water which will flow through a three inch pipe under a six inch head from the source or mouth of said spring, that said first party, her successors and grantees shall have the right to the full amount of said flow through said pipe.

It is further agreed that said first party, her successors and grantees shall have the right to use the water for domestic and stock raising purposes and irrigating the South Half of Section 24 lying on the easterly side of the right of way of said Spokane & International Railway Company, and shall not have the right to use or sell said water for any other purpose.

It is further agreed that each of said parties hereto, their successors and grantees, shall use due care to protect said water supply and not in any way interfere with the source of supply of said spring. In other words, allow the water to percolate and flow into said spring in its natural condition as it now flows and they shall do such work as may be necessary to increase the supply of the flow of said water into said spring.

IN WITNESS WHEREOF said parties have hereunto subscribed their names and affixed their seals in duplicate this 11th day of March, 1924.

Luella D. Kimball
Party of First Part

W. C. Hughes
Party of Second part

Anna C. Hughes
Party of Second Part

SCANNED
OCT 23 2009

62586

WARRANTY DEED.

The grantor C. S. Argo and Mary W. Argo, his wife, of Spokane, county of Spokane, State of Washington, for and in consideration of four thousand five hundred dollars, in hand paid, convey and warrant to Ludwig A. Schroder the following described real estate, situated in the county of Kootenai, State of Idaho:

The northeast quarter of the northeast quarter, and the west half of the northeast quarter of section No. twenty-five (25) township fifty-two (52) North range four (4), West Boise Meridian, excepting and reserving Lots three (3) seven (7) eight (8) nine (9) and ten (10) of block one (1) and lots two (2) three (3) and six (6) of block two in the town of Garwood, and highways and also excepting and reserving all the water that will flow through a three inch pipe under a six inch head from the source or mouth of the spring located on the northeast quarter of the northeast quarter of section twenty-five (25) and the right to lay such pipe from the source or mouth of said spring in a northerly direction across said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ to and across the highway at the right at any and all times to go upon said land to repair, relay or clean out said pipe and to clean out the head. Subject to a mortgage of \$1900 with interest thereon from Oct. 1st 1915 given to Frances L. C. Hays and now owned by Magda R. Svendsen.

Dated this 1st day of October, 1915.

C.S. Argo (Seal)

Mary W. Argo (Seal)

I. W. Stearns \$4.50.
CLERK OF WASHINGTON
County of Spokane)
SS)

Same for Section 25 #2

SCANNED
Oct 23 2009

RECEIVED

02/09/2018

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: 95-2138

SUSAN MARTELL
3208 PLYMOUTH DR
BELLINGHAM WA 98225
Telephone Number: 3609616369

BECKY D NELSON
3120 COOLIDGE DR
BELLINGHAM WA 98225
Telephone Number: 3697349778

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

Explanatory Material should not say that either 95-13699 or 95-14511 (if they are even valid rights) are diverted through the same points of diversion as 95-2138 and 95-17232.

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

Delete any language that 95-13699 or 95-14511 (if they are even valid rights) are diverted through the same points of diversion as 95-2138 and 95-17232.

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

It is not clear that 95-13699 or 95-14511 are valid rights. Even if they are valid, they have no authorization to divert water from the same points of diversion or source(s) as 95-2138 and 95-17232, or from anywhere on lands owned by the holders of 95-2138 and 95-17232.

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

DATE: 3/27/18

SIGNATURE:

Please print your name:

Sue Martell
Sue Martell

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, 2087622800

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AUG 05 2021

DEPARTMENT OF
WATER RESOURCES

Exhibit G

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JUL 15 2019
DEPARTMENT OF
WATER RESOURCES

**IN 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(s): 95-2138

Case No. 49576

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

Daytime Phone: Martell: (360) 961-6369
Nelson: (360) 734-9778

Name & Address of Attorney:

Michael P. Lawrence
Charlie S. Baser
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200

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

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Remark should be removed (see Section E below)
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Remarks should be removed (see Section E below)
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):

Quantity: The remark stating that the “quantity of water under this right for domestic use shall not exceed 13,000 gallons per day” was not included in 95-2138’s license and there otherwise is no basis for including it in the partial decree for this water right.

Point of Diversion: The remark in “Explanatory Material” stating that right nos. 95-13699 and 95-14511 are diverted through 95-2138’s points of diversion should be deleted because 95-13699 and 95-14511 should not exist, the remark was not in 95-2138’s license, and there otherwise is no basis for including the remark in the partial decree for this water right.

DATED this 12th day of July, 2019.

GIVENS PURSLEY LLP



Michael P. Lawrence
Attorneys for Objectors

F. CERTIFICATE OF MAILING

I certify that on July 12, 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: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 82720
Boise, ID 83720-0010

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



Michael P. Lawrence
Attorneys for Objectors

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JUL 15 2019

DEPARTMENT OF
WATER RESOURCES

**IN 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(s): 95-17232

Case No. 49576

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

Daytime Phone: Martell: (360) 961-6369
Nelson: (360) 734-9778

Name & Address of Attorney:

Michael P. Lawrence
Charlie S. Baser
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200

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

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: Remarks should be removed (see Section E below)
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):

Point of Diversion: The remark in "Explanatory Material" stating that right nos. 95-13699 and 95-14511 are diverted through 95-17232's points of diversion should be deleted because 95-13699 and 95-14511 should not exist, and there otherwise is no basis for including the remark in the partial decree for this water right.

DATED this 12th day of July, 2019.

GIVENS PURSLEY LLP



Michael P. Lawrence
Attorneys for Objectors

F. CERTIFICATE OF MAILING

I certify that on July 12, 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: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 82720
Boise, ID 83720-0010

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



Michael P. Lawrence
Attorneys for Objectors

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JUL 15 2019

DEPARTMENT OF
WATER RESOURCES

**IN 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(s): 95-13699

Case No. 49576

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

Daytime Phone: Martell: (360) 961-6369
Nelson: (360) 734-9778

Name & Address of Attorney:

Michael P. Lawrence, ISB 7288
Charlie S. Baser, ISB 10884
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200

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

Name: Daniel A. Barkley
Address: 1361 E Garwood Rd, Hayden, ID 83835-7318

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

1. ☒ **Name and Address**
Should be: See Section E below
2. ☒ **Source**
Should be: See Section E below
3. ☒ **Quantity**
Should be: See Section E below
4. ☒ **Priority Date**
Should be: See Section E below
5. ☒ **Point of Diversion**
Should be: See Section E below
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: See Section E below
7. ☒ **Purpose(s) of Use**
Should be: See Section E below
8. ☒ **Period of Year**
Should be: See Section E below
9. ☒ **Place of Use**
Should be: See Section E below
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):

No evidence of water use prior to 1971.

DATED this 12th day of July, 2019.

GIVENS PURSLEY LLP



Michael P. Lawrence
Attorneys for Objectors

F. CERTIFICATE OF MAILING

I certify that on July 12, 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: Daniel A. Barkley
Address: 1361 E Garwood Rd, Hayden, ID 83835-7318

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 82720
Boise, ID 83720-0010

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



Michael P. Lawrence
Attorneys for Objectors

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DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re CSRBA

Case No. 49576

A. Subcase(s): 95-14511

**STANDARD FORM 1
OBJECTION**

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

Daytime Phone: Martell: (360) 961-6369
Nelson: (360) 734-9778

Name & Address of Attorney:

Michael P. Lawrence, ISB 7288
Charlie S. Baser, ISB 10884
GIVENS PURSLEY LLP
601 W. Bannock Street
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200

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

Name: Kathryn M Spackman
Address: 1123 E Garwood Rd, Hayden, ID 83835

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

1. ☒ **Name and Address**
Should be: See Section E below
2. ☒ **Source**
Should be: See Section E below
3. ☒ **Quantity**
Should be: See Section E below
4. ☒ **Priority Date**
Should be: See Section E below
5. ☒ **Point of Diversion**
Should be: See Section E below
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: See Section E below
7. ☒ **Purpose(s) of Use**
Should be: See Section E below
8. ☒ **Period of Year**
Should be: See Section E below
9. ☒ **Place of Use**
Should be: See Section E below
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):

No evidence of water use prior to 1971.

DATED this 12th day of July, 2019.

GIVENS PURSLEY LLP



Michael P. Lawrence
Attorneys for Objectors

F. CERTIFICATE OF MAILING

I certify that on July 12, 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: Kathryn M Spackman
Address: 1123 E Garwood Rd, Hayden, ID 83835

3. Copies to:

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 82720
Boise, ID 83720-0010

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



Michael P. Lawrence
Attorneys for Objectors

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DEPARTMENT OF
WATER RESOURCES

Exhibit H

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JUL 25 2019

DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA)

Case No. 49576)

A. Subcase 95-13699

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Kathryn M. Spackman

Address: 1123 E. Garwood Rd.

Hayden, ID 83835

Daytime Phone: 208-641-0555

Name & Address of Attorney, if any:

Norman M. Semanko

800 West Main Street, Suite 1300

Boise, ID 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Susan Martell & Becky Nelson

Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225

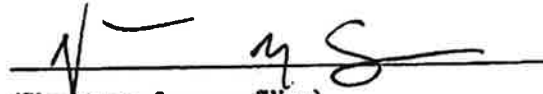
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

D. I am responding to the Objections to the following elements or general provision. (Please check the appropriate box(es)).

- 1. ☒ **Name and Address**
- 2. ☒ **Source**
- 3. ☒ **Quantity**
- 4. ☒ **Priority Date**
- 5. ☒ **Point of Diversion**
- 6. ☒ **Instream Flow Beginning and Ending Point**
- 7. ☒ **Purpose(s) of Use**
- 8. ☒ **Period of Year**
- 9. ☒ **Place of Use**
- 10. ☐ **General Provision**
- 11. ☒ **Recommendation:**

☒ This water right should not exist.

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


(Signature of person filing)

Norman M. Semanko

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, 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.

E. CERTIFICATE OF MAILING

I certify that on July 23, 20 19, I mailed the original and copies of this response, 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: Daniel A. Barkley
Address: 1361 E. Garwood Rd.
Hayden, ID 83835-7318

3. One copy to the party who filed the Objection at the following address:

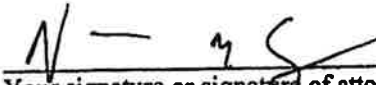
Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

4. 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


Your signature or signature of attorney
mailing on your behalf

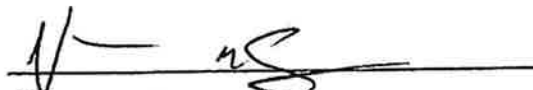
DEPARTMENT OF
WATER RESOURCES

D. I am responding to the Objections to the following elements or general provision. (Please check the appropriate box(es)).

- 1. ☐ **Name and Address**
- 2. ☐ **Source**
- 3. ☐ **Quantity**
- 4. ☐ **Priority Date**
- 5. ☒ **Point of Diversion**
- 6. ☐ **Instream Flow Beginning and Ending Point**
- 7. ☐ **Purpose(s) of Use**
- 8. ☐ **Period of Year**
- 9. ☐ **Place of Use**
- 10. ☐ **General Provision**
- 11. ☐ **Recommendation:**

☐ This water right should not exist.

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


(Signature of person filing)

Norman M. Semanko

(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail the Response, including all attachments, 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.

E. CERTIFICATE OF MAILING

I certify that on July 22, 2019, I mailed the original and copies of this response, 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: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

3. One copy to the party who filed the Objection at the following address:

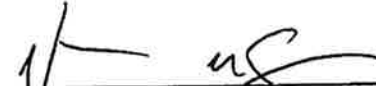
Name: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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



Your signature or signature of attorney
mailing on your behalf

JUL 30 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)

Case No. 49576)

A. Subcase 95-2138

(Insert water right number
From the Objection Form)STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Daniel A. Barkley and Melissa Marie Stocking

Address: 1361 E. Garwood Rd.

Hayden, ID 83835-7318

Daytime Phone: 509-640-0567

Name & Address of Attorney, if any:

Norman M. Semanko

800 West Main Street, Suite 1300

Boise, ID 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Susan Martell & Becky Nelson

Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225

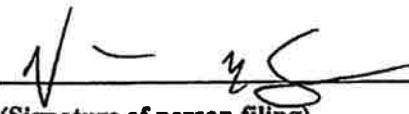
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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- 1. ☐ **Name and Address**
- 2. ☐ **Source**
- 3. ☒ **Quantity**
- 4. ☐ **Priority Date**
- 5. ☒ **Point of Diversion**
- 6. ☐ **Instream Flow Beginning and Ending Point**
- 7. ☐ **Purpose(s) of Use**
- 8. ☐ **Period of Year**
- 9. ☐ **Place of Use**
- 10. ☐ **General Provision**
- 11. ☐ **Recommendation:**

☐ This water right should not exist.

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



(Signature of person filing)

Norman M. Semanko

(Attorney signing in representative capacity)

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I certify that on July 29, 2019, I mailed the original and copies of this response, 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: Susan Martell & Becky Nelson
Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225
Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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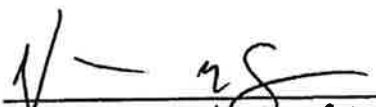
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Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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



Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUL 30 2019

DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA)

Case No. 49576)

A. Subcase 95-14511

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Daniel A. Barkley and Melissa Marie Stocking

Address: 1361 E. Garwood Rd.

Hayden, ID 83835-7318

Daytime Phone: 509-342-4699

Name & Address of Attorney, if any:

Norman M. Semanko

800 West Main Street, Suite 1300

Boise, ID 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Susan Martell & Becky Nelson

Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225

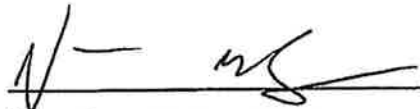
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- 8. ☒ Period of Year
- 9. ☒ Place of Use
- 10. ☐ General Provision
- 11. ☒ Recommendation:

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(Signature of person filing)

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(Attorney signing in representative capacity)

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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: Kathryn M Spackman
Address: 1123 E. Garwood Rd.
Hayden, ID 83835

3. One copy to the party who filed the Objection at the following address:

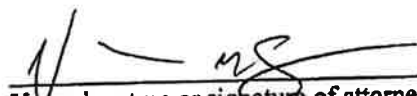
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Nelson: 3120 Coolidge Dr. Bellingham, WA 95225

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


Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUL 25 2019

DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA)

Case No. 49576)

A. Subcase 95-2138

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Kathryn M. Spackman

Address: 1123 E. Garwood Rd.

Hayden, ID 83835

Daytime Phone: 208-641-0555

Name & Address of Attorney, if any:

Norman M. Semanko

800 West Main Street, Suite 1300

Boise, ID 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Susan Martell & Becky Nelson

Address: Martell: 3208 Plymouth Dr., Bellingham, WA 95225

Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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- 11. ☐ **Recommendation:**

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(Signature of person filing)

Norman M. Semanko

(Attorney signing in representative capacity)

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Boise, ID 83724

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

 
Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUL 25 2019

DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA)

Case No. 49576)

A. Subcase 95-17232

(Insert water right number
From the Objection Form)

STANDARD FORM 2
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Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Kathryn M. Spackman

Address: 1123 E. Garwood Rd.

Hayden, ID 83835

Daytime Phone: 208-641-0555

Name & Address of Attorney, if any:

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Boise, ID 83702

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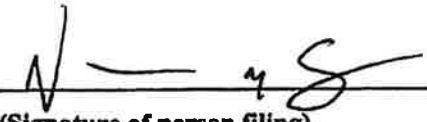
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(Attorney signing in representative capacity)

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Nelson: 3120 Coolidge Dr., Bellingham, WA 95225

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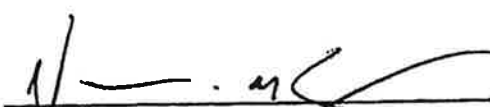
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