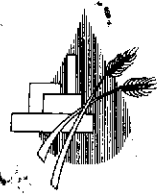


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that ANISE CLAIRE ROBERTS
(Name of Claimant)

POB 2271 MISSION VIEJO, CA 92690-0271 Telephone No. 714-586-8324
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) MAY 3, 1923

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

SPRING tributary to SINKS

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>		Use <u>DOMESTIC</u>		Period of Use From <u>6-1</u>	To <u>9-15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW NW Sec. 23 Twp. 49N Rge. 4W B.M., County of KOOTENAI

Additional points of diversion: AKA BLK 15 LT 23 MOORE'S ADDITION TO LADEL CARDO BAY

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. GRAVITY FLOW PIPELINE FROM SPRING TO 45 CUFT RESERVOIR WITH AN ACTIVE CAPACITY 36 CUFT.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

AKA LOTS 344 BLOCK 8

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
49N	4W	23					X												
							G												
							L												
							I												

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: ONE HOME.

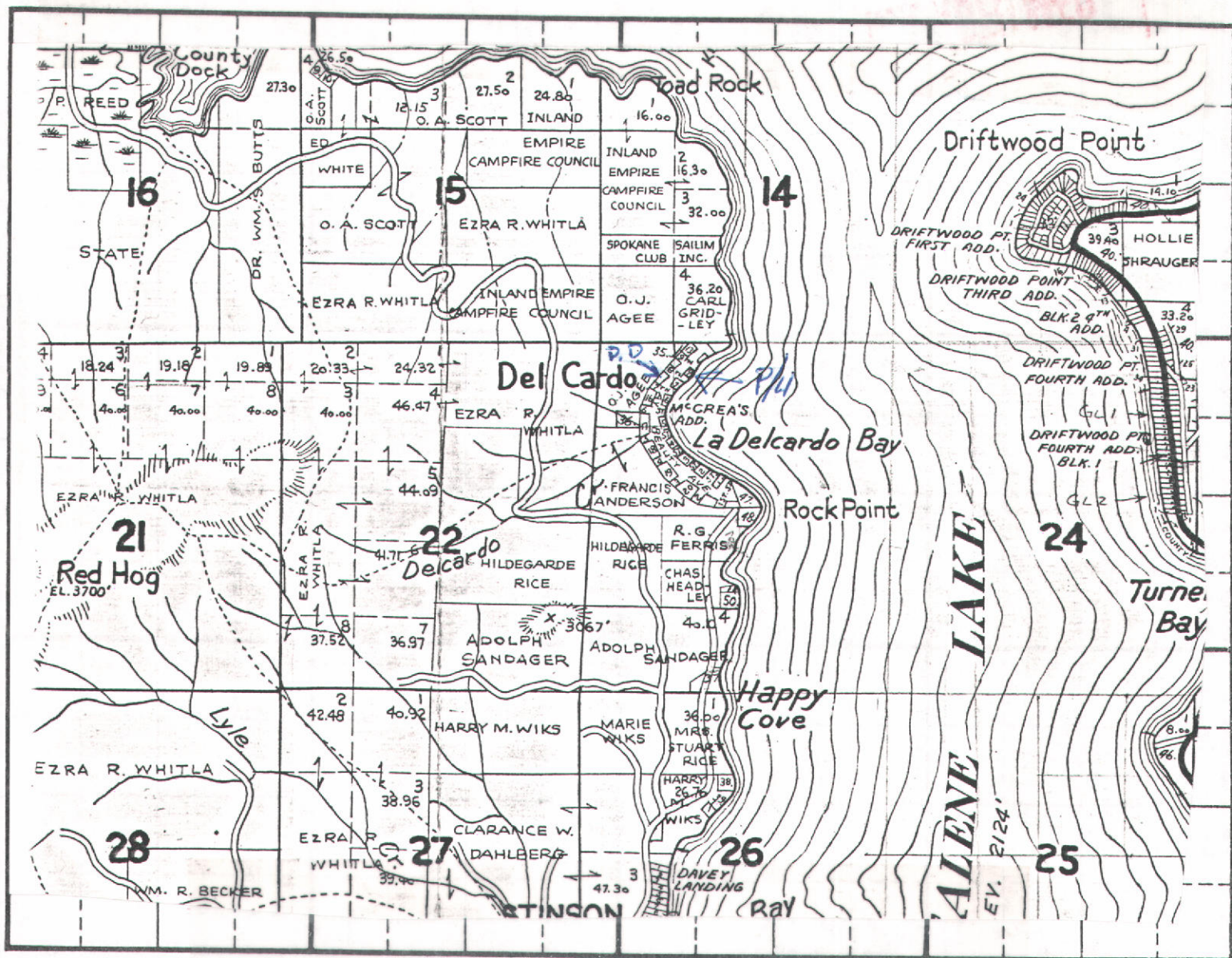
RECORDED
FILMED

MAR 17 1988

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Kootenai) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20 day of August, 19 87.

Clair D. Roberts
(Claimant)

Robert J. Haynes
Notary Public
Residing at Caldwell

My commission expires 11/10/12

MICROFILMED
MAR 17 1988

FOR DEPARTMENT USE ONLY

Received by ChH Date 8/20/87
Prelim. check by RyH Date 8/20/87
\$30.00 fee received by ChH Date 8/20/87
Published in Crowd's Alene News
Dates 9/3-16/87

Exception filed by: _____ Forwarded to claimant by: _____ Date: _____

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

On August 20, 1987, Anice Claire Roberts filed with the Department of Water Resources Amended Claim No. 95-4659. The original claim shows water is taken from a spring with 0.04 CFS of water for Domestic purposes from 6/1 to 9/15. The point of diversion is in GL 1 (NWNW) Sec. 23 T49N R4W, Boise Meridian. The place of use is in the NWNW Sec. 23, T49N, R4W, Boise Meridian. The date of priority is May 3, 1923.

Claimant now wishes to amend said original claim to show the point of diversion as the NWNW Sec. 23 T49N R4W; and the place of use as GL 1 (NENW) Sec. 23, T49N, R4W, also known as Lots 3 & 4, Blk. 8.

Any exception to any claim of water right may be filed with the Director of the Idaho Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id.
83814

R. KEITH HIGGINSON, Dir.

Advertised in the Coeur d'Alene Press, on 10/1 and 10/8/87.

RECORDED
MAR 1 1988

RECEIVED
JUN 29 1983
Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Anise Claire Roberts (aka Claire G. Roberts)
(Name of Claimant)
P.O. Box 2271 Mission Viejo, Ca. 92690
(Mailing Address) (Zip Code) Telephone No (714) 586-8324

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) MAY 3, 1923

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SPRING (NO NAME) tributary to does not apply

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>June 1</u>	To <u>Sept 15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source) Located in Government Lot #1 NW 1/4 NW 1/4, Sec. 28 Twp. 49N Rge. 4W, B.M., County of Kootenai, Idaho
Additional points of diversion: NONE as lots 2+3 McCrea Addition to La Del Cardo Bay, Kootenai Co., Ida. pertaining to above claimant.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
GRAVITY flow pipeline from SPRING RESERVOIR. TOTAL CAPACITY of RESERVOIR: 145 C.F.T. Active Capacity: 36 cubic feet. Pipeline from point of diversion to CLAIMANT's property is approximately 200 feet

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
49N	4W, B.M.	23					X												0.04 cfs

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: WATER used for Domestic, single family household only. Original deed from Ida McCrea to B.M. George (CLAIMANT's father) specified a perpetual right to use a sufficient amount of water for one residence from above mentioned SPRING on Lot 4 of Block 8, La Del Cardo Bay, Idaho, at the time said Lot 4, Block 8, La Del Cardo Bay was purchased from Ida McCrea's
NOTE: Include here the type and number of stock watered: by B.M. George May 2, 1923

(7) If you are claiming water as a member of an organization, list name of organization:
the ORIGINAL RESERVOIR AT SPRING SITE + ORIGINAL pipeline from Spring to CLAIMANT's property was constructed by B.M. George in May 1923
+ the May 3, 1923 date for priority is nearest date available to CLAIMANT,
+ is obtained from attached WARRANTY Deed from Ida McCrea to B.M. George.

(8) *USE*
Remarks

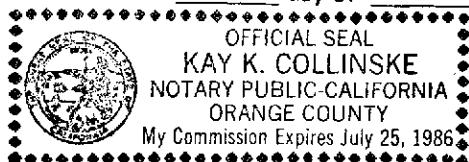
Spring is located approx. 200 ft from residence, where water is put to beneficial use, so distance is too short to plot on this grid. Lots 2 and 3 of McCrea addition to La Balle's Bay, where spring or diversion point, is located, and Lot 4, Block 8, La Balle's Bay, Idaho, where residence is located, are both in N. W. 1/4 of ~~the~~ Section 23, Township 49N, Range 4W, B. M. Footenai County, Idaho.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

County of **ORANGE**

that the matters and facts therein are true to the best of the
Anise Claire Roberts
(aka Claire S. Roberts)
(Claimant)

Sworn to before me this 27 day of JUNE, 19 83



Notary Public
Residing at MISSION VIEJO

My commission expires JULY 25, 1986

FOR DEPARTMENT USE ONLY

Received by Date 4/29/83 Exception filed by: Forwarded to Date
Prelim. check by Date 4/11/83 28594
\$30.00 fee received by Date 4/1/83
Published in Coastal & Plains Press
Dates 7/28-8/4/83

WARRANTY DEED.

THIS INDENTURE, Made this 2nd day of May, A. D., 1923, between IDA McCREA, unmarried since prior to August 24th, 1922, of Kootenai County, State of Idaho, party of the first part, and B. M. GEORGE of Lewiston, Nez Perce County, State of Idaho, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom, has granted, bargained and sold, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Kootenai County, State of Idaho, to-wit:

Lot Four (4) of Block Eight (8), La Del Cardo Bay, Idaho, according to the Plat thereof on file and of record in the office of the County Recorder of Kootenai County, together with the perpetual right to use a sufficient amount of water for one residence on said property from the spring belonging to the party of the first part situated on Lots Two (2) and Three (3) of McCrea Addition to La Del Cardo Bay, Idaho, and a perpetual right-of-way over, under and across the last described lots and any other property belonging to the party of the first part, for the purpose of conveying and transporting the water from said spring to the property hereby conveyed.

The party of the first part further gives and grants to the party of the second part, his heirs and assigns, the perpetual right to use sufficient water for one residence on the land above described, from that certain spring belonging to the party of the first part, and located on the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-three (23), Township Forty-nine (49) North, Range Four (4), W. B. M., Kootenai County, Idaho, and a perpetual right-of-way over, under and across said lands last above described, and any other lands belonging to the party of the first part, for the purpose of conveying and transporting said water from the spring to the property hereby conveyed.

15 14
22 23

5-4514 LLOYD M. GEORGE

MARGUERITE M. CATHY
JIM

3500

PD
95-4707

POINT OF DIVERSION
95-7944
95-4514
95-4659

PD 95-4633

Lot 1

NINTH ST

EIGHTH ST

95-4514

95-4659

LA DELCARDO BAY

MC CREAS ADD TO

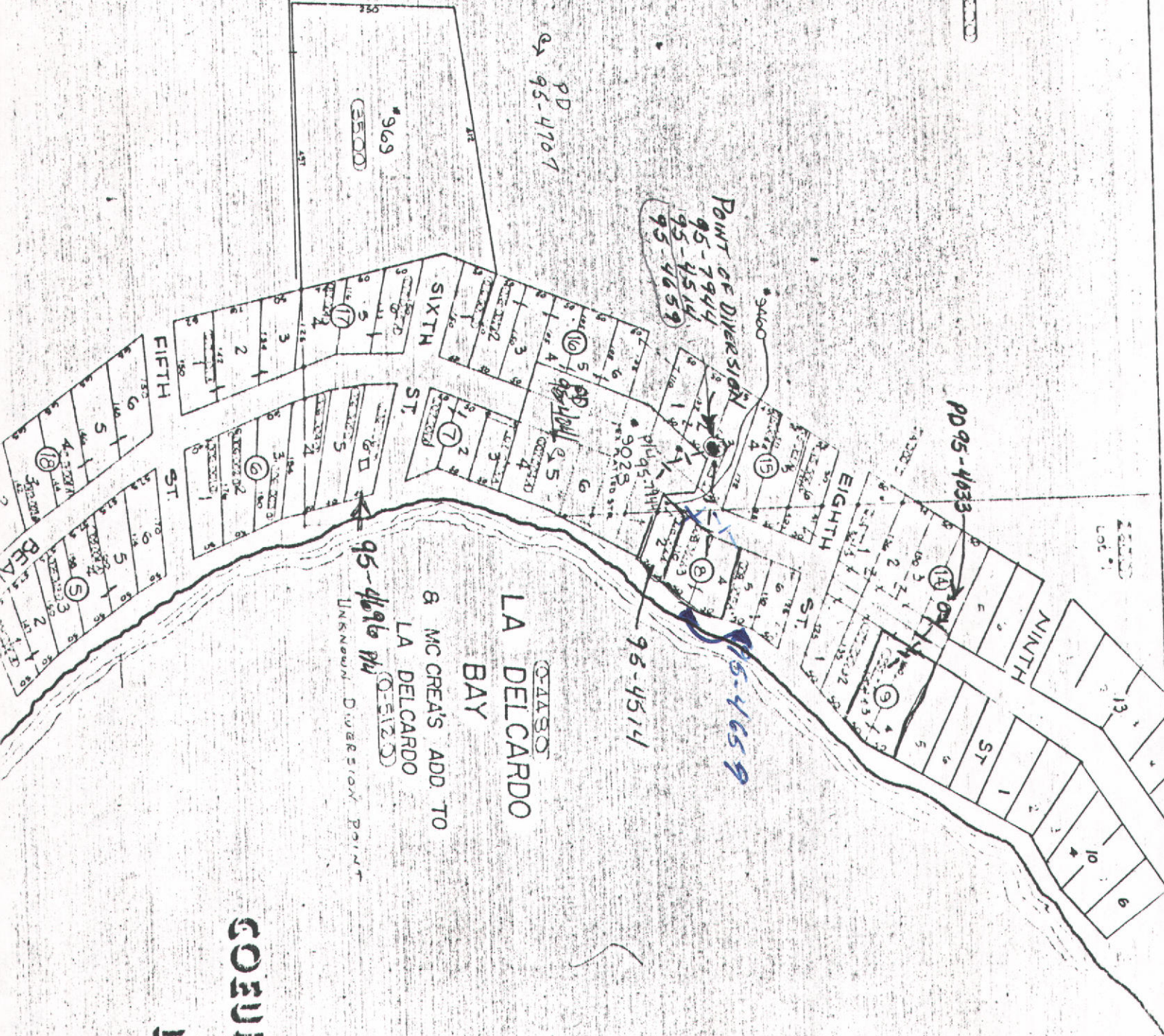
LA DELCARDO

95-4696

UNKNOWN DIVERSION POINT

COEUR

11



Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above granted lands and premises, with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

And the said party of the first part, for herself and her heirs, executors, and administrators, does hereby covenant with the said party of the second part, his heirs and assigns, that she is lawfully seized in fee of the above granted premises; that they are free and clear of all liens and incumbrances, and that she has good right to sell and convey the same as aforesaid.

And the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming the same or any part thereof, the said party of the first part shall warrant and forever defend.

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



STATE OF IDAHO,)
County of Kootenai.) ss

Ida McCrea (SEAL)

On this 2nd day of May, A. D., 1923, before me, W. D. Vermette, a Notary Public in and for the County and State aforesaid, personally appeared Ida McCrea, unmarried since prior to August 24th, 1922, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Given under my hand and official seal the day and year in this certificate first above written.

W. D. Vermette
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

WARRANTY DEED.

Ida McCrea,

To

B. M. George.

Here - Nick Chase
Residence - Ida

State of Idaho) ss
County of Teton)

then for record at the request of

MURRAY J. M. McCrea

on the 3^d day of May 1913.

at 1:45 P. M., and recorded

in Book 79 of Deeds

Page 119.

Ida McCrea
County Recorder

By

Fee \$1.25

M. M. George

MICROFILMED

WARRANTY DEED.

THIS INDENTURE, Made this 2nd day of May, A. D., 1923, between IDA McCREA, unmarried since prior to August 24th, 1922, of Kootenai County, State of Idaho, party of the first part, and B. M. GEORGE of Lewiston, Nez Perce County, State of Idaho, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom, has granted, bargained and sold, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Kootenai County, State of Idaho, to-wit:

Lot Four (4) of Block Eight (8), La Del Cardo Bay, Idaho, according to the Plat thereof on file and of record in the office of the County Recorder of Kootenai County, together with the perpetual right to use a sufficient amount of water for one residence on said property from the spring belonging to the party of the first part situated on Lots Two (2) and Three (3) of McCreas Addition to La Del Cardo Bay, Idaho, and a perpetual right-of-way over, under and across the last described lots and any other property belonging to the party of the first part, for the purpose of conveying and transporting the water from said spring to the property hereby conveyed.

The party of the first part further gives and grants to the party of the second part, his heirs and assigns, the perpetual right to use sufficient water for one residence on the land above described, from that certain spring belonging to the party of the first part, and located on the Northwest quarter of the Northwest quarter (NW1/4) of Section Twenty-three (23), Township Forty-nine (49) North, Range Four (4), W. B. M., Kootenai County, Idaho, and a perpetual right-of-way over, under and across said lands last above described, and any other lands belonging to the party of the first part, for the purpose of conveying and transporting said water from the spring to the property hereby conveyed.

RECORDED

MAR 17 1988

I have never DRAWN water from the Above!

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above granted lands and premises, with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

And the said party of the first part, for herself and her heirs, executors, and administrators, does hereby covenant with the said party of the second part, his heirs and assigns, that she is lawfully seized in fee of the above granted premises; that they are free and clear of all liens and incumbrances, and that she has good right to sell and convey the same as aforesaid.

And the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming the same or any part thereof, the said party of the first part shall warrant and forever defend.

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



STATE OF IDAHO.

County of Kootenai.

} ss

Ida McBrea (SEAL)

On this 1st day of May, A. D., 1923, before me,

W. J. [Signature] a Notary Public in and for the County and State aforesaid, personally appeared Ida McBrea, unmarried since prior to August 24th, 1922, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Given under my hand and official seal the day and year in this certificate first above written.

W. J. [Signature]
Notary Public for the State of Idaho,
residing at [Address], Idaho.

MAR 17 1988

STATE OF IDAHO)
KOOTENAI COUNTY)

ss.

AFFIDAVIT

95-4659
ROBERTS, ANISE CLAIRE
P. O. BOX 2271, MISSION VIEJO,
CA 92690
Source: SPRING trib. to SINKS
Priority Date: 06/03/1923
Diversion Pt: NWNW Sec 23 T
49N R 04W
Use: DOMESTIC (0.04 CFS)
In: NWNW Sec 23 T 49N R 04W
95-4660

Protest of October 1987

Oren Agee

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 405 Gov't
Way, Coeur d'Alene, ID 83814.
Legal 271 KEN DUNN, Dir.
July 28, Aug. 4, 1983

G. GAIL KINLOCK, ROSE LUISE PARK, ELOISE AGEE and

OREN AGEE, being first duly sworn, on their oaths depose and say:

1. That G. Gail Kinloch, Rose Luise Park and Eloise Agee are the owners of Lot 3, Block 7, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

2. That Oren Agee and Eloise Agee are the owners of Lot 2, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho (NW $\frac{1}{4}$, NW $\frac{1}{4}$, S. 23, T. 49 N. R. 4, W.B.M.).

3. That the spring for which Anise Claire Roberts has made Claim to a Water Right is located on the property line between Lots 2 and 3, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

4. The water sinks within the property listed in paragraph 3 above.

5. Said spring has a flow of 3.75 to 4.00 gallon per MINUTE. In June of 1982, the spring was tested for its water production and it has been determined that each claimant is entitled to one gallon per minute.

6. The Claim to a Water Right of Anise Claire Roberts, Number 95-4659, is erroneous in the location of use; the correct location is Government Lot 1 (NE $\frac{1}{4}$, NW $\frac{1}{4}$).

7. A conference between Tom King of the Idaho Department of Water Resources (local office) and affiant Oren Agee on June 17, 1983, produced the information that water that exists and does not flow off the owners property is PRIVATE WATER and the State of Idaho has no jurisdiction over such water.

8. Anise Claire Roberts has a constitutional right, through previous use, to only 1/4 of the spring's supply, namely, approximately one gallon per minute.

DATED this 1st day of August, 1983.

MICROFILMED

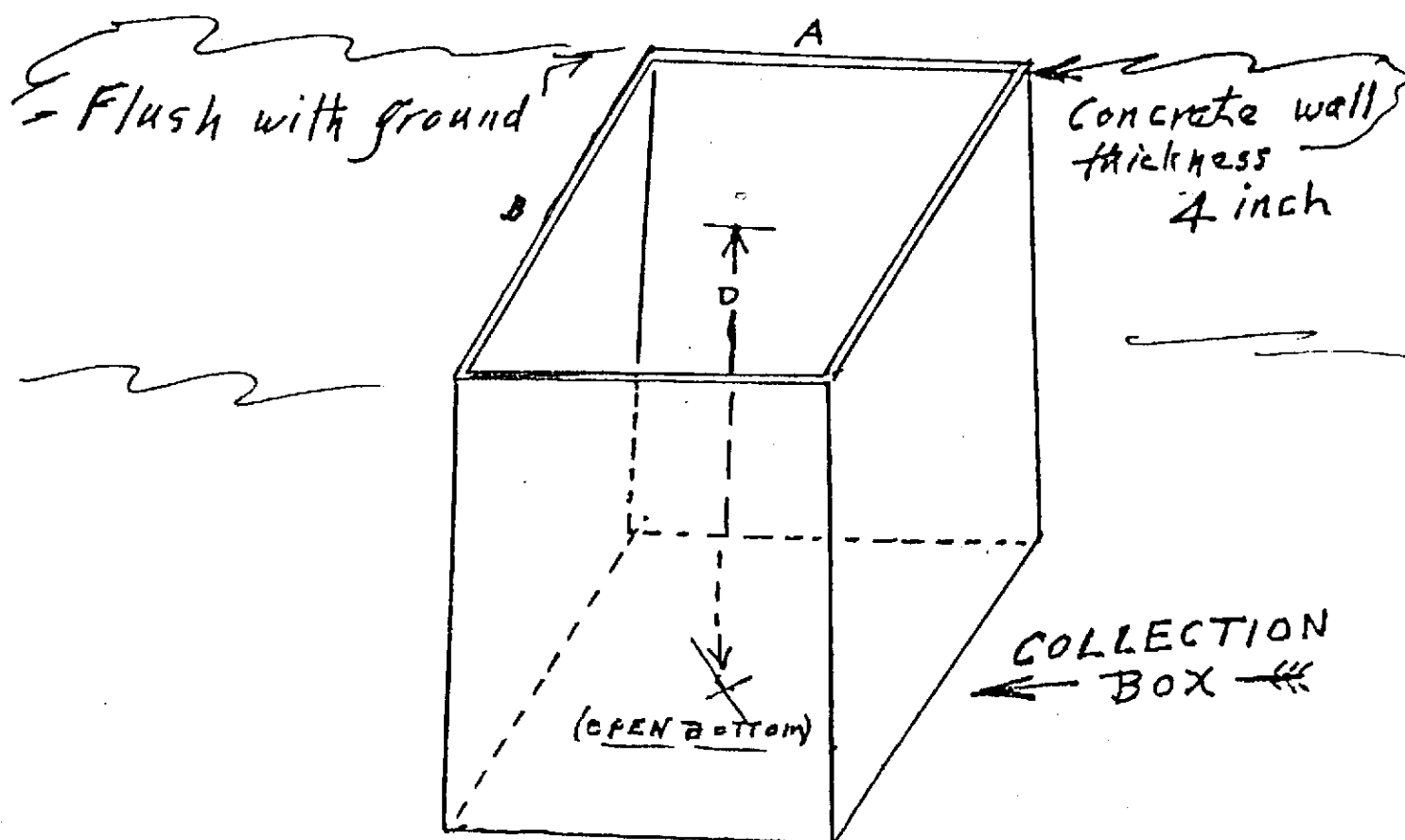
MAR 17 1988

G. Gail Kinloch
G. GAIL KINLOCK

Oren Agee
OREN AGEE

Rose Luise Park
ROSE LUISE PARK

Eloise R. Agee
ELOISE AGEE



SIDE "A" 3.166 ft
 SIDE "B" 3.166 ft.
 Depth "D" 5.00 ft.

$A \times B \times D = \text{Volume}$
 $A \times B \times D = 50 \text{ cu. ft.}$

STORAGE CAPACITY 374 Gal.

INPUT FLOW - 5 gal. in 80 sec.

" " " 3.75 Gal. per Min.

This is the facility located on Lot 2 & 3 Block 15 of McCrea Addition to La Delcardo Bay - This property is owned by Leon Agee, Eloise Agee, and Oren Agee.

Leon Agee has PERMIT No. 95-7944 dated 31 July 1979 which supplies water to area of use by our family.

MICROFILMED

MAR 17 1988

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

On August 20, 1987, Anice Claire Roberts filed with the Department of Water Resources Amended Claim No. 95-4659 . The original claim shows water is taken a spring with 0.04 CFS of water for Domestic purposes from 6/1 to 9/15. The point of diversion is in GL 1 (NWNW) Sec. 23 T49N R4W, Boise Meridian. The place of use is in the NWNW Sec. 23, T49N, R4W, Boise Meridian. The date of priority is May 3, 1923.

Claimant now wishes to amend said original claim to show the point of diversion as ^{NW NW} ~~GL 1 (NENW)~~ Sec. 23, T49N, R4W and the place of use as GL 1 (NENW) Sec. 23, T49N, R4W. Any exception to any claim of water right may be filed with the Director of the Idaho Dept. of Water Resources, 4055 Gov't. Way, Coeur d'Alene, Id. 83814.

NORMAN C. YOUNG, Director

Advertised in the Coeur d'Alene Press, Coeur d'Alene, Id., on 9/3 and 9/10/87.

MICROFILMED
MAR 17 1988

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number _____ Applicant _____

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☐ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☐ Claim published correctly.
- ☒ Exceptions processed.

By KK Date 9/8/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By pc Date 11-8-83

RECEIVED

RECEIVED

STATE OF IDAHO)
)
KOOTENAI COUNTY)

ss.

AFFIDAVIT

RECEIVED

AUG 2 1983

Department of Water Resources
Northern District Office

G. GAIL KINLOCK, ROSE LUISE PARK, ELOISE AGEE and
OREN AGEE, being first duly sworn, on their oaths depose and say:

1. That G. Gail Kinloch, Rose Luise Park and Eloise Agee are the owners of Lot 3, Block 7, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

2. That Oren Agee and Eloise Agee are the owners of Lot 2, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho (NW $\frac{1}{4}$, NW $\frac{1}{4}$, S. 23, T. 49 N. R. 4, W.B.M.).

3. That the spring for which Anise Claire Roberts has made Claim to a Water Right is located on the property line between Lots 2 and 3, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

4. The water sinks within the property listed in paragraph 3 above.

5. Said spring has a flow of 3.75 to 4.00 gallon per MINUTE. In June of 1982, the spring was tested for its water production and it has been determined that each claimant is entitled to one gallon per minute.

6. The Claim to a Water Right of Anise Claire Roberts, Number 95-4659, is erroneous in the location of use; the correct location is Government Lot 1 (NE $\frac{1}{4}$, NW $\frac{1}{4}$).

7. A conference between Tom King of the Idaho Department of Water Resourves (local office) and affiant Oren Agee on June 17, 1983, produced the information that water that exists and does not flow off the owners property is PRIVATE WATER and the State of Idaho has no jurisdiction over such water.

8. Anise Claire Roberts has a constitutional right, through previous use, to only 1/4 of the spring's supply, namely, approximately one gallon per minute.

DATED this 1st day of August, 1983.

G. Gail Kinloch
G. GAIL KINLOCK

Rose Luise Park
ROSE LUISE PARK

Oren Agee
OREN AGEE

Eloise R. Agee
ELOISE AGEE

SUBSCRIBED AND SWORN TO before me this 1st day of August, 1983.

Merna Mae Vanderheyden
NOTARY PUBLIC for Idaho
Residing at: *Coeur d'Alene*
Commission Expires: *Life*

OREN J. AGEE
P.O. Box 240
COEUR D'ALENE ID
83814

STATE OF IDAHO)
)
KOOTENAI COUNTY)

ss.

AFFIDAVIT

RECEIVED

AUG 2 1983

Department of
Northern

G. GAIL KINLOCK, ROSE LUISE PARK, ELOISE AGEE and
OREN AGEE, being first duly sworn, on their oaths depose and say:

1. That G. Gail Kinloch, Rose Luise Park and Eloise Agee are the owners of Lot 3, Block 7, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

2. That Oren Agee and Eloise Agee are the owners of Lot 2, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho (NW $\frac{1}{4}$, NW $\frac{1}{4}$, S. 23, T. 49 N. R. 4, W.B.M.).

3. That the spring for which Anise Claire Roberts has made Claim to a Water Right is located on the property line between Lots 2 and 3, Block 15, McCrea Addition to LaDelcardo Bay, Kootenai County, Idaho.

4. The water sinks within the property listed in paragraph 3 above.

5. Said spring has a flow of 3.75 to 4.00 gallon per MINUTE. In June of 1982, the spring was tested for its water production and it has been determined that each claimant is entitled to one gallon per minute.

6. The Claim to a Water Right of Anise Claire Roberts, Number 95-4659, is erroneous in the location of use; the correct location is Government Lot 1 (NE $\frac{1}{4}$, NW $\frac{1}{4}$).

7. A conference between Tom King of the Idaho Department of Water Resourves (local office) and affiant Oren Agee on June 17, 1983, produced the information that water that exists and does not flow off the owners property is PRIVATE WATER and the State of Idaho has no jurisdiction over such water.

8. Anise Claire Roberts has a constitutional right, through previous use, to only 1/4 of the spring's supply, namely, approximately one gallon per minute.

DATED this 1st day of August, 1983.

G. Gail Kinloch
G. GAIL KINLOCK

Rose Luise Park
ROSE LUISE PARK

Oren Agee
OREN AGEE

Eloise R. Agee
ELOISE AGEE

SUBSCRIBED AND SWORN TO before me this 1st day of August, 1983.

Bernard Max Vanderheyden
NOTARY PUBLIC for Idaho
Residing at: *Coeur d'Alene*
Commission Expires: *Life*

OREN J. AGEE
P.O. BOX 240
COEUR D'ALENE, ID.
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