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Documents
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Spring Creek *
Bonner County *
.5 of 1 second foot *
Irrigation and domestic *
Priority 5-24-1906 *
*
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S T A T E _ O F _ _I_D_A_H_O_

Water License No. 2053.

WHEREAS, On the 24th day of May A.D. 1906, CHARLES E. EVANS, of Newman, County of Bonner, State of Idaho, duly made application (No. 2843) to me for a permit to use 1 cubic foot per second of the waters of Spring Creek, County of Bonner, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 18th day of June A.D. 1906, Permit No. 2053, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of June, A.D. 1907, and for the application to beneficial use of said water on or before the 18th day of June A.D. 1909, and

WHEREAS, On the 10th day of June A.D. 1907, CHARLES E.EVANS, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 2053, dated June 18,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1 cubic foot per second of said water, with date of priority of May 24,1906, and

WHEREAS, On the 22nd day of May, A.D. 1909, CHARLES E.EVANS, the holder of said permit duly made proof of the application to beneficial use of .5 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to CHARLES E.EVANS, of Newman, County of Bonner, State of Idaho, the holder and owner of said Permit No. 2053 a perpetual right, dating from May 24,1906, to the use of said Permit No. 2053, a perpetual right, dating from May 24,1906, to the use of .5 of 1 cubic foot per second of the waters of spring Creek, in the County of Bonner, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast quarter of northwest quarter of section 4, township 56 north, range 1 West of the Boise meridian, and conducted to and upon lots 5 and 6 of section 33, township 57 north, range 1 west of the Boise meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 11th day of June, A.D. Nineteen hundred and nine.

Jas. Stephenson, Jr.
State Engineer.

(SEAL)

Recorded June 11,1909.

96-2011

No. 2843

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho.

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1. Name of applicant - CHARLES E. EVANS

Postoffice address: P. O. - Newman

County - Kootenai, Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand to complete works

2. The quantity of water claimed is one cubic foot per second

3. Source of water supply - Spring Creek.

County of Kootenai BONNER

4. Location of point of diversion 662 feet south and 45 ft. S. 70° W. of the ¼ Sec. Cor. on Northboundary Sec. 4, Tp. 56 N., R. 1 W. B. M.

5. To be used for:

I. Irrigation and domestic use: Yes

(a) Number of acres to be irrigated 57 4/10 acres.

(b) In the following legal subdivisions - Lots 5 & 6 Sec. 33, Tp. 57 N., R. 1 W. B. M.

6. Estimated cost of works - One hundred & fifty ($150.00) dollars.

7. Description of Works for Diversion:

I. Kinds of works - small dam and ditch.

II. Dimensions of Works:

(a) Height of dam 3 feet, length of dam at top 12 ft., length of dam at bottom 6 feet, material used in construction logs and earth.

(c) Size of headgate, width one foot, height one foot.

(d) Ditch (flume or pipe) width at bottom one foot, width at water line one foot, depth of water 4 inches. Average grade per mile is 800 feet. Length of ditch is 707 feet, and it crosses the following quarter sections - NE¼ NW¼ Sec. 4, Tp. 56 N., R. 1 W., toLot 5, Sec. 33, Tp. 57 N., R. 1 W. B. M., which is the point of intended use.

8. Time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 4 additional years.

Remarks:

This appropriation of water is for the purpose of irrigating the market garden and orchard of said Charles E. Evans and for domestic purposes. No other appropration of the said waters of Spring Creek has been made, nor has any use of said waters been made except by said Evans for domestic purposes.

Charles E. Evans.

Time asked for in Section 8 is hereby reduced to one year, and time asked for in section 9 is hereby reduced to two years.

Jas. Stephenson,

State Engineer

Approval of State Engineer

The number of this permit is 2053.

Date of first receipt of application 9 a. m. May 24, 1906.

Returned to applicant for correction May 24, 1906.

Corrected application received June 7, 1906.

Recorded in Book 6, page 2053. Approved June 18, 1906.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before August 17, 1906, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 18, 1906.

The whole of said work to be completed on or before June 18, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to June 18, 1909.

Witness my hand this 18 day of June, 1906.

Jas. Stephenson, Jr.

State Engineer.

Notice of proof of completion of works mailed applicant February 25,1907. Notice of proof received fixing June 10 as the date of proof and Sandpoint,Idaho, as the place of proof.

Notice for publication sent to the Pend D'Oreille Review at Sandpoint, April 11,1907.

Deposition blanks mailed applicant April 11,1907.

J.K.Ashley,Jr.,of Sandpoint, requested to examine works April 11,1907. His report was received June 10,1907.

Depositions of holder and witnesses received June 17,1907, also affidavit of publication and fee of $5.00 received same day.

All papers being in and satisfactory Certificate of Completion was duly issued this 18th day of June,1907.

Permit No.2053.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that CHARLES E. EVANS of Newman, County of Kootenai and State of Idaho, the holder of Permit No.2053, issued upon Application No.2843, bearing date of priority of May 24,190 authorizing the diversion of 1 second foot of the waters of Spring Creek, County of Kootenai, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1 second foot of the waters of Spring Creek; that the point of Diversion of said waters

is at a point in the Northeast quarter of the Northwest quarter (NE¼ NW¼) Section 4, Township 56 North, Range 1 West of Boise Meridian, 662 feet South, thence South 70° W. 70 feet from quarter section corner on South boundary of Section 33, Township 57 North of Range 1 West of Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, towit: Lots 5 and 6, Section 33, Township 57 North of Range 1 West of Boise Meridian.

Witness my hand this 18th day of June, A.D.1907.

Jas.Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 5/10 **second feet**

P. 475

Form 42-248/42-1409(6) July, 2000

RECEIVED
SEP 15 2003
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
96-2011					

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
   OR
   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Charles E Evans

4. New Owner/Claimant(s): Mumtaz A. and Marilyn A. Fargo
   Name Connector (Check one): [X] and, [ ] or, [ ] and/or

   New Mailing Address: P.O. Box 976

   City, State and ZIP Code: Sandpoint, ID 83864

   New Telephone Number: (208) 263-2020

5. Date you acquired the property: Dec. 23, 1970

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6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) Muntay A. Congo
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by RSA Date 9/11/2003 Fee 75.00
Receipted by RSA Date 9/11/2003 Receipt No. N 15902
Processed by _____ AJ Date _____ WR _____ Date _____

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MAR 29 2004

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That HOWARD C. MILLER and OLIVE B. MILLER, husband and wife, in consideration of One Dollar and other valuable considerations, do hereby grant, bargain, sell and convey unto MUMTAZ A. FARGO and MARILYN A. FARGO, husband and wife, the following property in Bonner County, State of Idaho, to-wit:

Lot 3, Section 4, Township 56 North of Range 1 West of the Boise Meridian.

Southwest Quarter of Southwest Quarter, and Lots 4, 5 and 6, all in Section 33, Township 57 North of Range 1 West of the Boise Meridian LESS the following described tracts which have heretofore been conveyed therefrom:

Commencing at the Northwest corner of Lot 4, Section 33, Township 57 North of Range 1 West of the Boise Meridian; thence South along the West side of Lot 4, 868 feet to the County Road, corner No. 2; thence Southeasterly along County Road 1039 feet to corner No. 3; thence North 14° East 620 feet to high water line of Lake Pend Oreille, corner No. 4; thence Northwesterly along the shore line of Lake Pend Oreille 1386 feet to corner No. 1, the place of beginning. Containing 14.7 acres, more or less.

A tract of land containing 3.3 acres, more or less, a part of Lot 6, Section 33, Township 57 North, Range 1 West of the Boise Meridian described as follows: commencing at a point on shore of Lake Pend Oreille, being corner No. 1, whence Southeast corner of Lot 6 of Section 33, Township 57 North of Range 1 West of the Boise Meridian bears South 33° East 400 feet; thence South 45° West 435 feet, following course of small stream to corner No. 2; thence North 38° West 380 feet along County Road to corner No. 3; thence North 53° East 483 feet to corner No. 4; thence South 33° East 310 feet along shore of Lake Pend Oreille to corner No. 1, the place of beginning.

A tract of land containing 28 acres more or less located in Lots 4, 5, and 6 in Section 33, Township 57 North of Range 1 West of the Boise Meridian described as follows: commencing at a point on the shore of Lake Pend Oreille, being corner No. 1, whence the Southeast corner of Lot 6, Section 33, Township 57 North of Range 1 West of the Boise Meridian bears South 33° East 710 feet; thence South 53° West 483 feet to corner No. 2; thence along County Road in a general direction being North 55° West 2304 feet to corner No. 3; thence North 14° East 620 feet to corner No. 4; thence along shore line of Lake Pend Oreille in a general direction being South 53° East 2660 feet to corner No. 1, the place of beginning.

A tract of land containing 2 acres, more or less, being a

FILED FOR RECORD AT REQUEST OF 3:45 P.M. BOOK NO. 170
DORIS L. KENNEY, BONNER COUNTY RECORDER

GREENE & HUNT
ATTORNEYS-AT-LAW
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864

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MAR 29 2004

part of Lot 6, Section 33, Township 57 North of Range 1, West of the Boise Meridian described as follows: commencing at the Southeast corner of said Lot, being corner No. 1; thence West 465 feet to corner No. 2; thence North 38° West along the County Road 47 feet to corner No. 3; thence North 45° East following the course of small streem 435 feet to corner No. 4; thence South 33° East 400 feet along the shore of Lake Pend Oreille to corner No. 1, the place of beginning.

A portion of ground containing 0.96 acres in Lot 6, Section 33, Township 57 North of Range 1 West of the Boise Meridian: commencing at the intersection of County Road with South line of said Lot 6, being corner No. 1; thence West 257.5 feet to corner No. 2; thence North 325 feet to corner No. 3; thence South 38° East 416 feet along County Road to corner No. 1, the place of beginning. RESERVING right to Fay Williford and to his successors and assigns to install water pipe and take water in equal amount with grantees of above tract without interfering with water installation already installed.

A portion of ground containing 2 acres more or less located in Lot 6, Section 33, Township 57 North of Range 1 West of the Boise Meridian described as follows: commencing 275.5 feet West of intersection of County Road with South line of said Lot 6, being corner No. 1 for this plot; thence West 3 chains 70 links; thence North 6 chains 15 links; thence Southeasterly following course of County Road 4 chains 27 links; thence South 4 chains 72 links to place of beginning.

A part of Government Lot 6, Section 33, Township 57 North of Range 1 West of the Boise Meridian described as follows: beginning at the meander corner, identical with the Southeast corner of Government Lot 6, said Section 33, from which the meander across the Lake bears South 89° 14' East, 1980.66 feet distant; thence West along the Section line to a point in the Southwesterly line of the County Road, 601.98 feet to the true place of beginning; thence first course along the Section line West 363.60 feet to the Southwest corner of Government Lot 6, which is marked by an iron pipe; thence North along the Westerly line of Government Lot 6, 380.33 feet, more or less, to a point in the Southerly line of the County Road; thence along said line South 62° 35' East, 78.13 feet; thence South 46° 24' East, 55.49 feet; thence South 39° 42' East, 397.78 feet to the true place of beginning. LESS that portion of said Section 33 lying South of the County Road located in the Southwest Quarter of Southwest Quarter of said Section 33 consisting of 22 acres more or less.

TOGETHER with water right to use waters of Spring Creek, being Water License No. 2053 of the State of Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

AND the above named grantors hereby covenant that the above

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320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864

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described premises are free from all encumbrances and that they will and their heirs, executors and administrators shall warrant and defend the above premises against all lawful claims and demands, except:

SUBJECT to any existing easements and rights of way.

SIGNED this 23rd day of December, 1970.

Howard C. Miller
Olive B. Miller

STATE OF IDAHO,)
: ss.
County of Bonner,)

On this 23rd day of December, 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared HOWARD C. MILLER and OLIVE B. MILLER, known to me to be the persons whose names are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and date last above written.

Raymond T. Greene
Notary Public in and for the State of Idaho, residing at Sandpoint therein.

Mr. & Mrs. Murray Fargo
1822 - 9th St. West
Billings, Montana
59102

GREENE & HUNT
ATTORNEYS-AT-LAW
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864

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MAR 29 2004

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 16, 2003

MUMTAZ A FARGO
MARILYN A FARGO
PO BOX 976
SANDPOINT ID 83864

RE: Change of Ownership for Water Right 96-2011

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Kari Lynn Tuttrsend

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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