

MICROFILMED

Book 1 Page 2 File 34

LOT 3, SEC. 13, TWP. 53 N., R. 5 W. B.M.

Certificate.

Registered Professional
of the State of Idaho.
I hereby certify that the
"CLIFFWOOD" located in and
Sec. 13, Township 53 N.,
R. 5 W., County of IDAHO,
is a valid and correct
description of the SW cor-
ner of Sec. 13, Twp. 53 N., R. 5 W.
as a lot of 10 acres
situated on the 10 in-
crease boundary of said
lot as shown on the plat
of the Public Road to
the "CLIFFWOOD" and 1933' dis-
tance from the shore
line to the place of begin-
ning, all as shown on the
plat.

Submits.

James C. Smith, Engineer
No. 218.

CLIFFWOOD

SUMMER HOMES

KOOTENAI COUNTY

Idaho.



SCALE 1" = 100'

- Lot Corners
- Traverse Line
- TRANSVERSE LINE

LOT	WIDTH	AREA	BASE	TRANSVERSE LINE	AREA
1	100.00	100.00	S. 85° 40' E.	225.00	100.00
2	100.00	100.00	S. 85° 40' E.	225.00	100.00
3	100.00	100.00	S. 85° 40' E.	225.00	100.00
4	100.00	100.00	S. 85° 40' E.	225.00	100.00
5	100.00	100.00	S. 85° 40' E.	225.00	100.00
6	100.00	100.00	S. 85° 40' E.	225.00	100.00
7	100.00	100.00	S. 85° 40' E.	225.00	100.00
8	100.00	100.00	S. 85° 40' E.	225.00	100.00
9	100.00	100.00	S. 85° 40' E.	225.00	100.00
10	100.00	100.00	S. 85° 40' E.	225.00	100.00
11	100.00	100.00	S. 85° 40' E.	225.00	100.00
12	100.00	100.00	S. 85° 40' E.	225.00	100.00
13	100.00	100.00	S. 85° 40' E.	225.00	100.00

NOTICE

Josephine Mich-
son wife and hus-
band all that portion of
the South of the ex-
posed 13, Twp. 53 N.,
at County, State of
Idaho and shown in
this certificate.
as to be divided
and numbered as shown
on the plat.
The assurances have
been made and are
true and correct.

Richardson
Shadon

to before me
1933.

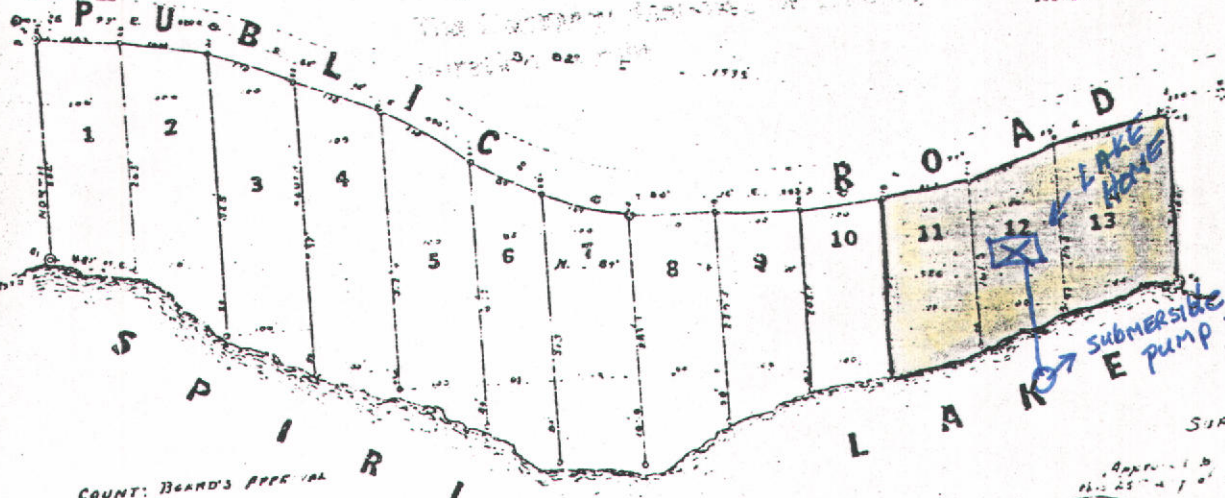
at State of Idaho
Idaho.
Oct. 11, 1933.

COUNTY BOARD'S OFFICIAL

Approved by the Board of County Commissioners
of Kootenai County Idaho this 30th day of March 1933

James C. Smith
Notary Public

Chairman of Board



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 *Molly or Michael J. Myers*
(Name of Claimant)

5. 2020 Adams, Spokane, Wa. 99203
(Mailing Address) (Zip Code)

509 747-1243
Telephone No.

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)

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)

Spirit Lake tributary to *Spirit Creek*

- (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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <i>0.04</i>	Use <i>Domestic</i>	Period of Use From <i>1-1</i>	To <i>12-31</i>
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* TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

1/2 Sec. 13 Twp. 53N Rge. 1W B.M., County of Kootenai
Additional points of diversion: *AKA: Lots 11, 12 & 13 Cliffwood Summer Homes*

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. *Submersible pump with pipeline to home*

- (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. *of home*

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	
<i>53N</i>	<i>1W</i>	<i>13</i>																	

No. of acres

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

One home with lawn irrigation

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:

MICROFILMED

[illegible]

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.

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.

and says that he, she, they subscribed the foregoing
 matters and facts therein are true to the best of
 their knowledge and belief.
 x Walter B. Myers
 (Claimant)

My commission expires 12-1-25

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 Molly or Michael J. Myers

(Name of Claimant)

5.2020 Adams, Spokane, Wa. 99203

(Mailing Address)

(Zip Code)

Telephone No. 509 747-1243

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) 6-1-54

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)

Spirit Lake

tributary to Spirit Creek

(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, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

(Mo., Day)

Quantity	Use	Period of Use From	To
<u>0.04</u>	<u>Domestic</u>	<u>1-1</u>	<u>12-31</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 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

LOT 3 1/4 Sec. 13 Twp. 53N Rge. 5W B.M., County of Kootenai

Additional points of diversion: AKA: Lots 11, 12 & 13 Cliffwood Summer Homes
SEE ATTACHED MAP

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. Submersible pump with pipeline to home

(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. of home

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>53N</u>	<u>5W</u>	<u>13</u>	<u>(LOT 3)</u>																<u>1.5</u>
			<u>SEE MAP ATTACHED</u>																

No. of acres 1.5

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: One home with lawn irrigation

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:

[illegible][illegible]

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.

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 13th day of January 1982 (Clerk)

Residing at ~~2301 Ave. C, Wash~~

FOR DEPARTMENT USE ONLY

Date _____

Prelim. check by

Date _____

\$20.00 fee received by

PUBLISHED IN

Dates

ADDENDUM TO CLAIM
TO WATER RIGHT

Attached hereto and made part hereof are the following documents:

1. A map of the platted Cliffwood Summer Homes, located at Lot 3, Sec. 13, Twp. 53N, Rge. 5W B.M., a demarkation of Lots 11, 12 and 13 owned by the claimants.

2. A Warranty Deed from Mr. Robert J. Towne to Molly L. Myers, dated June 28, 1976, conveying Lots 12 and 13.

3. A Warranty Deed, dated September 16, 1953, from Fulton G. Gale, Jr., and wife to Robert J. Towne, conveying Lots 12 and 13.

4. A Warranty Deed, dated September 19, 1953, from Richardson to Gale and Towne, conveying Lots 12 and 13.

5. A Warranty Deed, dated October 29, 1981, conveying Lot 11, Cliffwood Summer Homes, from Richard A. McLandress and wife to Michael J. Myers and Molly L. Myers, husband and wife.

6. Affidavit of Robert Towne setting forth the date upon which domestic use of water from Spirit Lake for the benefit of these lots commenced.

7. *Affidavit of Michael Myers regarding the continuous use of water.*

Book 1 Book 2 File 34

LOT 3, SEC. 13, TWP. 53 N., R 5 W B.M.

Certificate.

[illegible]

Albino.

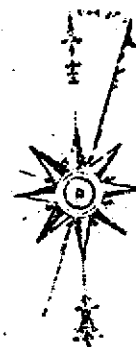
James H. Davis, Engineer

CLIFF TOOLS

SUMMER HOMES

KOOTENAI COUNTY

1 babo.



5442 7-2 92. 5. 4. 1

Los Corrales, 1900
Traverse Lake, Idaho
1900

LOT NUMBER	DATE	TRANSFER	TIME	AREA
100-100	10-10-68	10-10-68	10-10-68	10-10-68
100-100	10-10-68	10-10-68	10-10-68	10-10-68
100-100	10-10-68	10-10-68	10-10-68	10-10-68
100-100	10-10-68	10-10-68	10-10-68	10-10-68
100-100	10-10-68	10-10-68	10-10-68	10-10-68

ZION

Josephine Mich-
son wife and hus-
band that portion of
as South of the ex-
sec. 13, Sep. 55 A.,
at County, State of
Iowa and shown in
certificates.
was to be divided
and numbers as shown
page as "CHILDHOOD"

DO NOT DESTROY THIS COPY
100 JAN 24 1961

Pickens

to before me
1953.

State of Texas
County of [illegible]
[illegible] 11, 1933.

COUNT: BRAND'S APPS 101

COUNT: HERNANDEZ

Approved by the Board of County Commissioners
of Hamilton County, Ohio on 30th day of March 1953

[Signature]
Clerk of Board

[Signature]
Chairman of

Exposure of Heart

Supervisor Mr.

Approved: _____
Special Agent in Charge

100



WARRANTY DEED

For Value Received ROBERT J. TOWNE

the grantor , do es hereby grant, bargain, sell and convey unto MOLLY L. MYERS, as her separate property,

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

Lots 12 and 13, CLIFFWOOD SUMMER HOMES, Kootenai County, State of Idaho, according to the plat recorded in Book D of Plats, page 40.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , her heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 28th, 1976.

Robert J. Towne

Washington
STATE OF ~~IDAHO~~ COUNTY OF Spokane
On this 28th day of June , 1976,
before me, a notary public in and for said State, personally
appeared ROBERT J. TOWNE,

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

John P. Murray
Notary Public
Residing at Spokane, Washington ~~X~~
Comm. Expires AUGUST 28, 1977

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT No.

This Indenture, Made this 16th day of September, A. D. 1953

between Fulton G. Gale, Jr., also written F. G. Gale, and Margaret Gale, his wife,
of Spokane, Washington,

part.ies of the first part, and
Robert J. Towne, of the same place, part. Y. of the second part,

Witnesseth, That the said part.ies. of the first part, for and in consideration of the sum of
One and no/100ths ----- DOLLARS,
and other good and valuable considerations,
/ to them in hand paid by the said part.y. of the second part, the receipt whereof is hereby ac-
knowledgeed, do. hereby grant, bargain, sell, convey and confirm unto the said part.y. of
the second part, his heirs and assigns forever, that certain real property situ-
ate and being in Spirit Lake IDAHO
in the County of Kootenai, State of Washington, and described as
follows, to-wit: All right, title and interest of, in and to

Lots Twelve (12) and Thirteen (13), Cliffwood

Beach Summer Homes, according to the duly recorded

plat thereof, together with easement for road purposes



To Have and to Hold the Same, Together with all the hereditaments and appurtenances
thereunto belonging, or in anywise appertaining, to the said part.y. of the second part, his
heirs and assigns forever. And the said
part.ies. of the first part, for their
heirs, executors and administrators, do. covenant with the said part.y. of the second part,
his heirs and assigns, that they are well seized in fee of
the lands and premises aforesaid; and ha.ve good right to sell and convey the same in manner
and form aforesaid; that the same are free from all incumbrances except as to amount due
under contract of sale dated October 2, 1952, between J. P. Richardson et ux.
and grantors and grantee herein named.

And the above bargained and granted lands and premises, in the quiet and peaceable possession
of the said part.y. of the second part, his heirs and assigns, against all
persons lawfully claiming, or to claim, the whole or any part thereof, the said part.yes. of the
first part will warrant and forever defend.

In Testimony Whereof, The said part.ies. of the first part ha.ve hereunto set their
hand.s. and seals. the day and year first above written.

EXECUTED IN PRESENCE OF

Margaret Gale [SEAL]

Fulton G. Gale, Jr. [SEAL]

Robert J. Towne [SEAL]

[SEAL]

STATE OF WASHINGTON, } ss.
County of Spokane

I, J. C. Ferguson, a Notary Public in and for the State of Washing-
ton, do hereby certify that on this 16th day of September

A. D. 19 53, personally appeared before me Fulton G. Gale, Jr., also written

to me F. G. Gale, and Margaret Gale, his wife.

known to be the individuals described in, and who executed the within instrument, and ac-
knowledgeed that they signed and sealed the same as their free and voluntary act and

deed for the uses and purposes therein mentioned.
Given under my hand and official seal this 16th day of September, A. D. 19 53.

J. C. Ferguson
Notary Public
Residing at Spokane Washington.

Warranty Deed
TO
STATE OF WASHINGTON, } ss.
County of
I hereby certify that the within instru-
ment was filed for record in the office of
the County Auditor of said County, on the
day of
A. D. 19, at o'clock and
minutes M., at the re-
quest of
and recorded on page of
Book of of Deeds.
County Auditor.
By Deputy.
Recorded on, 19.
By Deputy.
FROM THE OFFICE OF

STATE OF IDAHO, }
County of Kootenai, } ss.

On this 19th day of SEPTEMBER, in the year 1953, before me
MILDRED A. PETERSON, A NOTARY PUBLIC, IN AND FOR THE STATE OF IDAHO
personally appeared JOSEPH RICHARDSON AND JOEL P. RICHARDSON, HER HUSBAND,
known to me to be the person s whose name s are subscribed to the within instrument,
and acknowledged to me that they executed the same.

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

Mildred A. Peterson
Spirit Lake
Notary Public, In and For
State of Idaho

My commission expires February 13, 1954

DEED WARRANTY

TO

Date 19

STATE OF IDAHO, }
County of Kootenai, } ss.

Filed for record at the request of

on the day of 19
at o'clock, M.
and recorded in Book of
Deeds on page

County Recorder

BY Deputy

Fee, \$

Return to

1-N-302

THURSDAY

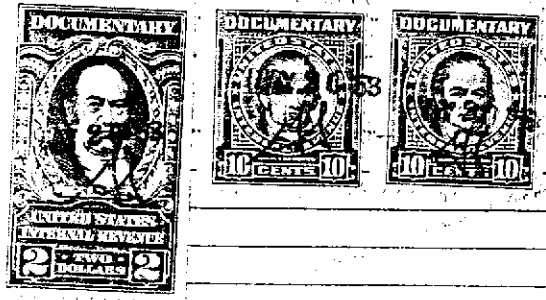
MICROFILMED

WARRANTY DEED

This Indenture, Made this 19th day of SEPTEMBER, in the year of our Lord One Thousand Nine Hundred and Fifty Three, between JOSIE RICHARDSON AND JOEL P. RICHARDSON, HER HUSBAND, resident s. of SPIRIT LAKE, County of KOOTENAI, State of IDAHO parties of the first part, and F. G. GALE And ROBERT J. TOWNE, resident s. of SPIRIT LAKE, County of KOOTENAI, State of IDAHO parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS, Dollars in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, and the said parties of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated and confirmed and by these presents do grant, bargain, sell, remise, release, alienate and confirm unto the said parties of the second part, and to their heirs and assigns forever all the following described lots*, piece or parcel of land situated in the County of Kootenai and State of Idaho, and known and described as follows, to-wit:

Lots Twelve (12) and THIRTEEN (13) CLIFFWOOD BEACH - SUMMER HOMES - ON SPIRIT LAKE, Range 53 - Section 13 - South-west of the City of SPIRIT LAKE, KOOTENAI COUNTY, State of IDAHO, according to the duly recorded plat, thereof.



Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all the estate, right, title, interest, claim or demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises with the hereditaments and appurtenances TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the said parties of the second part, their heirs and assigns, forever.

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

ALL FREE OF ENCUMBRANCE.

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

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Witness signatures: Mildred Agnes Peterson, Josephine Richardson (SEAL), J. P. Richardson (SEAL), (SEAL), (SEAL)

COPY

WARRANTY DEED

For Value Received RICHARD A. and KAREN L. McLANDRESS,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto MICHAEL J. and
MOLLY L. MYERS, husband and wife,

the grantee s, the following described premises, in Kootenai County Idaho, to-wit:

Lot 11, CLIFFWOOD SUMMER HOMES, according
to the plat recorded in the office of the
County Recorder in Book D of Plats at page
40, records of Kootenai County, Idaho.

Grantee's current address is:
South 2020 Adams
Spokane, WA 99203

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 Grantee s, that they are the owners in fee simple of said premises; that they are free
from all incumbrances EXCEPT easements, restrictions and reservations of record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 29 , 1981

x Richard A. McLandress
RICHARD A. McLANDRESS
x Karen L. McLandress
KAREN L. McLANDRESS

STATE OF IDAHO, COUNTY OF Kootenai
On this 29th day of October , 19 81,
before me, a notary public in and for said State, personally
appeared RICHARD A. McLANDRESS and
KAREN L. McLANDRESS, husband and
wife,

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

W. Elaine Bacon
Notary Public

Residing at Coeur d' Alene , Idaho
Comm. Expires Life

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

at minutes past o'clock m.,
this day of ,
19 , in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT No.

STATE OF WASHINGTON)

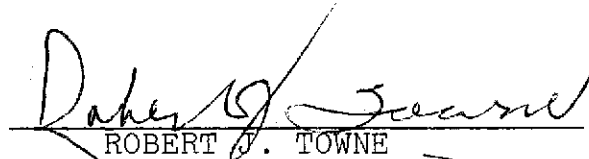
County of Spokane)

ss.

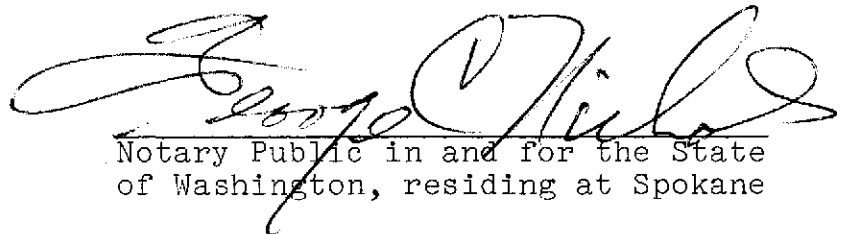
AFFIDAVIT OF ROBERT J. TOWNE

ROBERT J. TOWNE, being first duly sworn upon oath,
deposes and says:

I am a resident of Spokane, Washington. In approximately
September of 1953 I purchased an interest in Lots 12 and 13
Cliffwood Summer Homes, Kootenai County, Idaho. A single family
domestic dwelling was established on this property in 1954.
At this time I commenced drawing water from Spirit Lake for
domestic use and lawn and shrubbery irrigation. The water
was drawn from Spirit Lake by virtue of a pump with a submerged
line into Spirit Lake. This water use system remained in use
without cessation or abandonment until the property was sold
to Molly L. Myers in 1976.


ROBERT J. TOWNE

SUBSCRIBED AND SWORN TO before me this 31ST day of
December, 1981.


Notary Public in and for the State
of Washington, residing at Spokane

AFFIDAVIT OF
ROBERT J. TOWNE

RECORDED

STATE OF WASHINGTON)
) ss.
County of Spokane)

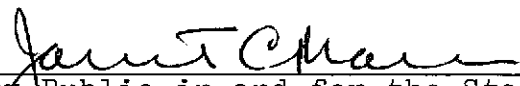
AFFIDAVIT OF MICHAEL J. MYERS

MICHAEL J. MYERS, being first duly sworn upon oath,
deposes and says:

I am the husband of Molly L. Myers who owns Lots 12 and 13 of Cliffwood Summer Homes on Spirit Lake, Kootenai County, Idaho, as her separate property. Lot 11, Cliffwood Summer Homes is owned by myself and my wife as community property. In 1976 my wife purchased Lots 12 and 13 and the existing home from Robert J. Towne. At that time there was an existent water system which drew water for domestic use and lawn and shrubbery watering from Spirit Lake by virtue of a pump and a line submerged into the lake. Since purchase of the home in 1976, the pump has been changed to a submersible pump, but in all other respects the use of the water is the same, i.e. for domestic purposes for the home and for lawn and shrubbery watering on Lots 11, 12 and 13. There has been no cessation of use or abandonment of the waterline since that time and to the best of our knowledge such use has been continuous since the construction of the home by Mr. Robert Towne in 1954.


MICHAEL J. MYERS

SUBSCRIBED AND SWORN TO before me this 7th day of January, 1987.
~~December~~


Notary Public in and for the State
of Washington, residing at Spokane

AFFIDAVIT OF
MICHAEL J. MYERS

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

95-4486

GREENFIELD, C. E.
1516 MELROSE ST., COEUR
D'ALENE, ID 83814
Source: SPRING tributary to
COEUR D'ALENE LAKE
Priority Date: 01/01/1949
Amount: 0.04 CFS
Diversion Point: Lot 05 T 49N R
04W, KOOTENAI Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: LOT 02 (NWNE)
Sec 01 T 49N R 04W

96-4289

MYERS, MICHAEL J. &/or
MOLLY
S. 2020 ADAMS ST., SPOKANE,
WA 99203
Source: SPIRIT LAKE tributary
to SPIRIT CREEK
Priority Date: 06/01/1954
Amount: 0.04 CFS
Diversion Point: LOT 03 Sec 13 T
53N R 05W, KOOTENAI Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: LOT 03 Sec 13 T 53N
R 05W

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

A. KENNETH DUNN
Director

Legal 181
Feb. 25, Mar. 4, 1982

STATE OF IDAHO, } ss.
County of Kootenai,

Allen Hancock being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Notice to Claim

of which the annexed is a printed copy, was published in the regular Press issue of said newspaper for 2 consecutive weeks, commencing on the 25 day of Feb, 1982, and ending on the 4 day of Mar, 1982, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Allen Hancock

R E C E I V E D
Subscribed and sworn to before me this 4 day of Mar, 1982

MAR 5 1982

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

Department of Water Resources
LEADER
Northern District Office

AK
3/9/82

96-4289

XXXXXXXXXXXX

December 9, 1981

Mr. Michael J. Myers
S. 2020 Adams St.
Spokane, Wa. 99203

Dear Mr. Myers:

Enclosed are your Check No. 28-5 in the amount of \$30.00, your Application for Permit and the Claim to a Water Right we discussed on the phone.

Please complete Items 1, 5.a., 6.a. and the map. Have the claim notarized and return it to this office with the \$30.00 filing fee. You should also include any evidence in the support of the claim you might have.

If you need any assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Application
Claim

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 96-4259 Applicant 96-4259

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 JK Date 3/15/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 3/30/82

RECEIVED

RECEIVED
MAR 15 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

2-7

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
(NEW) 13	53N	05W	03			2.8

IDAHO STREAM CODE INDEX

0961

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX

MYERS, MICHAEL J. &/or MOLLY

S. 2020 ADAMS ST., SPOKANE, WA 99203

Source: SPIRIT LAKE tributary to SPIRIT CREEK

Priority Date: 06/01/1954

Amount: 0.04 CFS

Diversion Point: LOT 03 Sec 13 T 53N R 05W KOOTENAI Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: LOT 03 Sec 13 T 53N R 05W

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MARCH 15, 1982

MICHAEL J. MYERS
MOLLY MYERS
S. 2020 ADAMS ST.
SPOKANE

WA 99203

RE: Claim No. 96-4289

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Harnes, P.E.
Regional Supervisor

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Spokane, Wash.~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

January 20, 1982

Mr. Michael J. Myers
S. 2020 Adams
Spokane, Wa. 99203

Dear Mr. Myers:

I am returning your Claim along with your Check No. 28-5 to correct an omission. The date of priority must be filled in under Item No. 1 before your claim may be processed.

Please fill in the date and return the claim along with the check for processing.

If you have any questions, please contact me at this office.

Sincerely,

LAWRENCE D. BEARD
E.I.T.

LDB/pms

Enc. - Claim
Check

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 *Molly or Michael J. Myers* (Name of Claimant)
5.2020 Adams, Spokane, Wa. 99203 (Mailing Address) (Zip Code) Telephone No. *509 747-1243*

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)
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)
Spirit Lake tributary to *Spirit Creek*
- (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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)	
Quantity	<i>0.04</i>	Use	<i>Domestic</i>	Period of Use From	<i>1-1</i> To <i>12-31</i>
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)	<i>0.04</i>	TOTAL QUANTITY USED.			

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
1/4 Sec. 12 Twp. 5 S. Rge. 2 E. B.M., County of Kootenai
Additional points of diversion: *AKA: Lots 11, 12, 13 Cliffwood Summer Homes*
- 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.
Submersible pump with pipeline to home

- (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 of home

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	
<i>5</i>	<i>2</i>																		

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
One home with lawn irrigation

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.

MICROFILMED

(8) Remarks

[illegible]

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 Salt Lake) 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 13th day of January

Notary Public
Residing at Spokane, Wash.

My commission expires 12-1-25

FOR DEPARTMENT USE ONLY

Received by _____
Prelim. check by _____
\$20.00 fee received by _____
Published in _____
Dates _____

Date *7/14/82*
Date _____
Date _____

Exception filed by:

Forwarded to
claimant by:

Date _____