

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4208

Notice is hereby given that John H. &/or Alma L. Matheny, P.O. Box 463, Spirit Lake, ID. has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Spirit Lake with point of diversion in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 17 T53N, T4W, B.M. Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1920; the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17 T52N R4W B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Legal No. 223
March 30 & April 6, 1978

STATE OF IDAHO,
County of Kootenai,

ss.

Charles Hedge

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

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks*, commencing on the *30* day of *March*, 19 *78*, and ending on the *6* day of *April*, 19 *78*, 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.

Charles Hedge

Subscribed and sworn to before me this

6 day of *April*

19 *78*

Roberta Zwanley

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

LEADER

*4-17-78
new
needs
correction*

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 20, 1978

RE: Application No. 96-7649
Claims No. 95-4392, 95-4391, 95-4390.
Correction No. 96-4208

Coeur d'Alene PRESS
Second & Lakeside
Coeur d'Alene, Id 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill received
5-8-78*

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that John H &/or Alma L Matheny (name of claimant)
of PO Box 463, Spirit Lake, Id 83869 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spirit Lake, tributary to,
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|-------|----|------------------------|
| Amount | 0.04 | Use | Domestic | Period of Use: From | Jan 1 | To | Dec 31 |
| Amount | | Use | | Period of Use: From | | To | |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1920

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
N 1/2 NW 1/4, Sec. 17 Twp. 53N Rge. 4W B. M. County of Kootenai
Additional points of diversion:

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.
Pump & pipeline to place of use

- (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	
53N	4W	17					X	X											

Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic water for a single household

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

Lot 1 of Hooker Tract--Sets on quarter-quarter line

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)
) ss.
County of Kootenai)

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 affiants knowledge.

Sworn to before me this 16 day of March, 19 78 (Claimant)

Alma L. Matthey
(Claimant)
_____, 19 28.

Notary Public Anna Beita
Residing at 7444 Lakewood

My commission expires Lifelong

For Department Use Only

Received by B. Date 3-16-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KK Date 3-17-78 claimant by: _____
\$10.00 fee received by B. Date 3-16-78 (10032)
Approved for publication by [Signature] _____
Published in Courier & News Press _____
Dates 3-30 & 4-6-78 _____
Affidavit received OK -
5-8-78 - SDH

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIM TO A WATER RIGHT No. 88-4208

Notice is hereby given that John H. &/or Alma L. Matheny, P.O. Box 463, Spirit Lake, ID. has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from Spirit Lake with point of diversion in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 17 T53N, T4W, B.M. Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1920: the place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17 T52N R4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho, 83814.

C. STEPHEN ALLRED
Director

Legal No. 223
March 30 & April 6, 1978

4-17-78
needs
correction

STATE OF IDAHO,
County of Kootenai,

} ss.

Charles Hedge

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

of which the annexed is a printed copy, was published in the regular *Thurs* issue of said newspaper for *2* consecutive *weeks*, commencing on the *30* day of *March*, 19 *78*, and ending on the *6* day of *April*, 19 *78*, 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.

Charles Hedge

Subscribed and sworn to before me this *6* day of *April*, 19 *78*.

Roberta Manley

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

1044
LEADER

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Jodi Embury 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*

of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *27* day of *April*, 19*78*, and ending on the *4* day of *May*, 19*78*, 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.

Subscribed and sworn to before me this *4* day of *May*, 19*78*

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

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 96-4208 in the name of John H. &/or Alma L. Matheny was advertised incorrectly on March 30 and April 6, 1978. The place of use was advertised as being within the N½NW¼, Sec. 17, T52N, R4W, B.M. Whereas, the actual place of use is within the N½NW¼, Sec. 17, T53N, R4W, B.M.

Any exception to the above correction must be filed with the Idaho Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814.

C. STEPHEN ALLRED
Director

Legal No. 368
April 27, May 4, 1978

OK
6-8-78

June 7, 1985

RE: Claim to Water Right No. 96-4208

J. Stephen & Nancy G. Schaub
E. 1437 26th Ave.
Spokane, WA 99201

Dear Mr. and Mrs. Schaub:

Our office acknowledges receipt of Assignment of the above referenced water right. However, in reviewing the file I find that the water right is a Claim.

In Idaho, a claimed water right is considered real property and is aquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right claim.

Therefore, I have put the Assignment into the file for future reference only and no other action will be taken. I have also enclosed a copy of the Claim for your records.

If you have any questions please feel free to contact our office.

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosures

MICROFILMED

J. S. SCHAUB & CO., INC.

Investment Portfolio Management

Real Estate Services

May 27, 1985

RECEIVED
MAY 30 1985

State of Idaho
Department of Water Resources
Suite #9
4055 Government Way
Coeur d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

RECEIVED
JUN 3 1985

Re: Claim No. 96-4208

Gentlemen:

Department of Water Resources

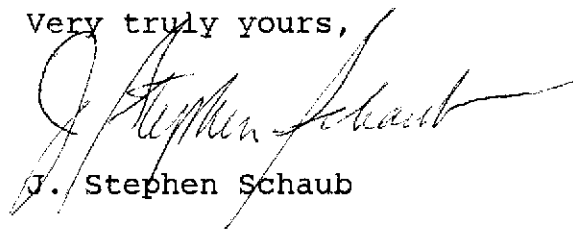
My wife and I have purchased property at Spirit Lake, Idaho formerly belonging to Mr. and Mrs. John H. Matheny.

The water right Claim No. 96-4208 was transferred to us and I would appreciate your marking your records accordingly. Future correspondence regarding this claim should be sent to our Spokane address, which is : E 1437 26th Ave., Spokane, WA 99201.

Enclosed for your records is a copy of the Warranty Deed covering transfer of the property.

Thank you.

Very truly yours,


J. Stephen Schaub

ls

Enclosure

MICROFILMED

998567

WARRANTY DEED

For Value Received, ALMA L. MATHENY, a widow

BOOK 325 PAGE 198

the grantor, does hereby grant, bargain, sell and convey unto J. STEPHEN SCHAUB and NANCY G. SCHAUB, husband and wife,

the grantees, whose current address is Suite 301, Washington Mutual Bldg., West 601 Main Ave., Spokane, WA 99201
the following described premises, in Kootenai County Idaho, to-wit:

PARCEL I:

Tract No. 1 of Hooker Tracts, according to the plat recorded in the Office of the County Recorder in Book "C" of Plats, page 157, records of Kootenai County, Idaho.

PARCEL II:

That portion of Tract No. 2 of Hooker Tracts, according to the plat recorded in the office of the County Recorder in Book "C" of Plats, page 157, records of Kootenai County, Idaho, described as follows:

A strip of land 33 feet in width along the South side of Lot 2 of said Hooker Tracts and being a part of said Lot 2, extending 300 feet West then Tapering to a width of 26 feet Southwesterly for a distance of 50 feet; thence

Westerly at 26 feet in width to the shore line of Spirit Lake.

EXCEPT that portion described as follows:

Beginning at a point on the shore line of Spirit Lake where the line between Lots 1 and 2 of said Hooker Tracts touches the lake; thence

North 26 feet along the lake; thence

In a Northeasterly direction for 226 feet; thence

Back in a Southwesterly direction towards the lake to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances except easements, covenants, restrictions and conditions of record,

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

Dated: January 31, 1985

MICROFILMED

Alma L. Matheny
Alma L. Matheny

STATE OF IDAHO, COUNTY OF Kootenai:

On this 28 day of Jan, 1985, before me, a notary public in and for the said State, personally appeared

ALMA L. MATHENY

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

Carol K. Parkinson
Notary Public
Residing at Twin Lakes Village, Idaho
Comm. Expires Sept 85

STATE OF IDAHO, COUNTY OF Kootenai

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

at 15 minutes past 3 o'clock P.M.,
this FEB 1 1985 day of
19, in my office, and duly recorded in Book
of Deeds at Page

CAROL WHITE

Ex-Officio Recorder

By *Marion Huff* Deputy.

Fees \$
Mail to: RETURN TO:
WITHERSPOON, KELLEY, DAVENPORT, & TOOLE, P.A.
11TH FLOOR ONB BLDG.
SPOKANE, WA 99201



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
4055 Government Way
667-6484

COEUR D'ALENE, IDAHO 83814

May 10, 1978

Re: Claim No. 96-4208

Mr. and Mrs. John H. Matheny
P.O. Box 463
Spirit Lake, ID 83869

Dear Mr. and Mrs. Matheny:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with our office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of any further assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:ab

Enclosure

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 20, 1978

RE: Application No. 96-7649
Claims No. 95-4392, 95-4391, 95-4390.
Correction No. 96-4208

Coeur d'Alene PRESS
Second & Lakeside
Coeur d'Alene, Id 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill received
5-8-78*

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 96-4208 in the name of John H &/or Alma L Matheny was advertised incorrectly on March 30 and April 6, 1978. The place of use was advertised as being within the N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec 17, T52N, R4W, B.M. Whereas, the actual place of use is within the N $\frac{1}{2}$ NW $\frac{1}{4}$, SEc 17, T53N, R4W, B.M.

Any exception to the above correction must be filed with the Idaho Dept of Water Resources, 4055 Government Way, Coeur d'Alene, Id 83814

C STEPHEN ALLRED
Director

Published in the Coeur d'Alene press, Coeur d'Alene, Id on April 27 and May 4, 1978

Your error--do not rebill.

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 23, 1978

Re: Application nos. 95-7826 and 96-7639
Claim Nos. 96-4207 and 96-4208

Coeur d'Alene Press
Second and Lakeside
Coeur d'Alene, ID 83814

Gentlemen:

Enclosed is a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

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An affidavit of publication must be submitted to our office along with the publication bill. Your cooperation in this matter is appreciated.

Very truly yours,

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

*Bill received
4-17-78
needs correction
their error
ADW*

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4208

Notice is hereby given that John H &/or Alma L. Matheny

P.O. Box 463 Spirit Lake, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~gallons per minute~~
of water from Spirit Lake

with point of diversion in the N¹/₂NW¹/₄, Sec 17, T53N, T4W B.M. Kootenai
County

The water is claimed to be used from Jan 1 to Dec 31 for
domestic purposes

with a priority of 1920;
the place of use is within the N¹/₂NW¹/₄, Sec 17, T53N, R4W B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho,
83814.

C. STEPHEN ALLRED
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, ID
on March 30 and April 6, 1978