

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

95-4514

McCARTHY, JAMES R. &/or
MARGERITE McGEORGE,
LLOYD
RT. 1 BOX 199B, BURTON, WA
98103

Source: SPRING tributary to
COEUR D'ALENE LAKE

Priority Date: 01/01/1920

Amount: 0.08 CFS

Diversion Point: LOT 01
(NWNW) Sec 23 T 49N R 04W,
KOOTENAI Co.

Use: DOMESTIC (0.08 CFS) from
01/01 to 12/31

Place of Use: LOT 01 (NENW)
LOT 01 (NWNW) Sec 23 T 49N R
04W

95-4515

VENTRIS, TOM
N. 3004 LAURA ST., SPOKANE,
WA 99208

Source: COEUR D'ALENE
LAKE tributary to SPOKANE
RIVER

Priority Date: 01/01/1965

Amount: 0.02 CFS

Diversion Point: LOT 02 Sec 23 T
48N R 04W, KOOTENAI Co.

Use: DOMESTIC (0.02 CFS) from
05/01 to 11/01

Place of Use: LOT 02 Sec 23 T 48N
R 04W

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 4055 Gov't.
Way, Coeur d'Alene, Id. 83814
KEN DUNN, Dir.

Legal 184
November 4, 11, 1982

STATE OF IDAHO,
County of Kootenai,

} ss.

Celine L. Lamm 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

of which the annexed is a printed copy, was published in the regular times issue of said newspaper for 2 consecutive months, commencing on the 4 day of Nov, 1982 and ending on the 11 day of Nov, 1982, and such publication was made as often during said period as said times 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

day of

NOV 11 1982

1982

Department of Water Resources
Northern District Office
LEADER

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

MICROFILMED

15.14
22.23

5-4514
LEON M^cGEORGE
MARGUERITE M^cLEATHY
JIM

(3500)

PD
95-4707

Point of Diversion
95-7944
95-4514
95-4659

PD 95-4033

95-4514

95-4514

95-4696 pl

LA DELCARDO
BAY
MC CREAS ADD TO
LA DELCARDO
(35120)
UNKNOWN DIVERSION POINT

GOEUR

LA

9

EIGHTH

AVE

Mc CARTHY
HOUSE

COEUR D'ALENE

Vaccinium. Book 15, Misc. P. 147.

MICROFILMED

DATE		8-29-75		S. LINE LOT	
SCALE		1" = 50'			
DR N	CRD				

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 LLOYD Mc GEORGE OR
JAMES R. OR MARGUERITE Mc CARTHY
(Name of Claimant) CO'A - 664-5565
Rt. 1 Box 199-B, BURTON, WA 98103 Telephone No. 463-3040
(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) 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 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 LAKE COEUR D'ALENE

(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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.08</u>		Use <u>DOMESTIC</u>		Period of Use From <u>JAN 1</u>	To <u>DEC 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) 0.08 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW 1/4 NW 1/4, Sec. 23 Twp. 49N 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. Describe any changes in the system and give the date of the change. 3.166' X 3.166' X 5' CONCRETE COLLECTION BOX, AN ALUMINUM LINER WAS ADDED IN 1962, PIPELINE TO PLACE OF USE.

LLOYD McGEORGE & JAMES Mc CARTHY REBUILT & INSTALLED THE SYSTEM.

(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	23					XX												

No. of acres _____

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

DOMESTIC USE - TWO HOUSEHOLDS

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: _____

AFFIDAVIT OF PUBLICATION

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have
been filed on water right(s)
created by diversion and benefi-
cial use:

95-4514

MCCARTHY, JAMES R. &/or
MARGERITE McGEORGE,
LLOYD
RT. 1 BOX 189B, BURTON, WA
98103

Source: SPRING tributary to
COEUR D'ALENE LAKE

Priority Date: 01/01/1920

Amount: 0.06 CFS

Diversion Point: LOT 01
(NWNW) Sec 23 T 48N R 04W,
KOOTENAI Co.

Use: DOMESTIC (0.06 CFS) from
01/01 to 12/31

Place of Use: LOT 01 (NENW)
LOT 01 (NWNW) Sec 23 T 48N R
04W

95-4515

VENTRIS, TOM
N. 3004 LAURA ST., SPOKANE,
WA 99206

Source: COEUR D'ALENE
LAKE tributary to SPOKANE
RIVER

Priority Date: 01/01/1905

Amount: 0.02 CFS

Diversion Point: LOT 02 Sec 23 T
48N R 04W, KOOTENAI Co.

Use: DOMESTIC (0.02 CFS) from
05/01 to 11/01

Place of Use: LOT 02 Sec 23 T 48N
R 04W

Exceptions to a claim may be
filed with the Director, Dept. of
Water Resources, 4055 Gov't
Way, Coeur d'Alene, Id. 83814
KEN DUNN, Dir.

Legal 184

November 4, 11, 1982

STATE OF IDAHO,
County of Kootenai,

} ss.

Cecilia K. Ketchum 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

of which the annexed is a printed copy, was published in the regular issue of said newspaper for consecutive commencing on the day of 1982 and ending on the day of 1982, and such publication was made as often during said period as said 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

day of

1982

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

By Ken Dunn, Dir.
of Water Resources
LEADER

MICROFILMED

15.14
22.23

6:45 PM LLOYD M. GEORGE
MARGUERITE M. CLARKE
JIM

3.000

PD 95-4101

Point of Divergence
95-7944
95-4514
95-4659

PD 95-4633

3.000
LOT 1

NINTH ST

ST

EIGHTH ST

ST

95-4514

95-4514

CLASO
LA DELCARDO

BAY

8 MC CREAS ADD TO

LA DELCARDO

(CEIVED)

95-4101

UNKNOWN DIVERSON POINT

GOEUR

11

SPRING

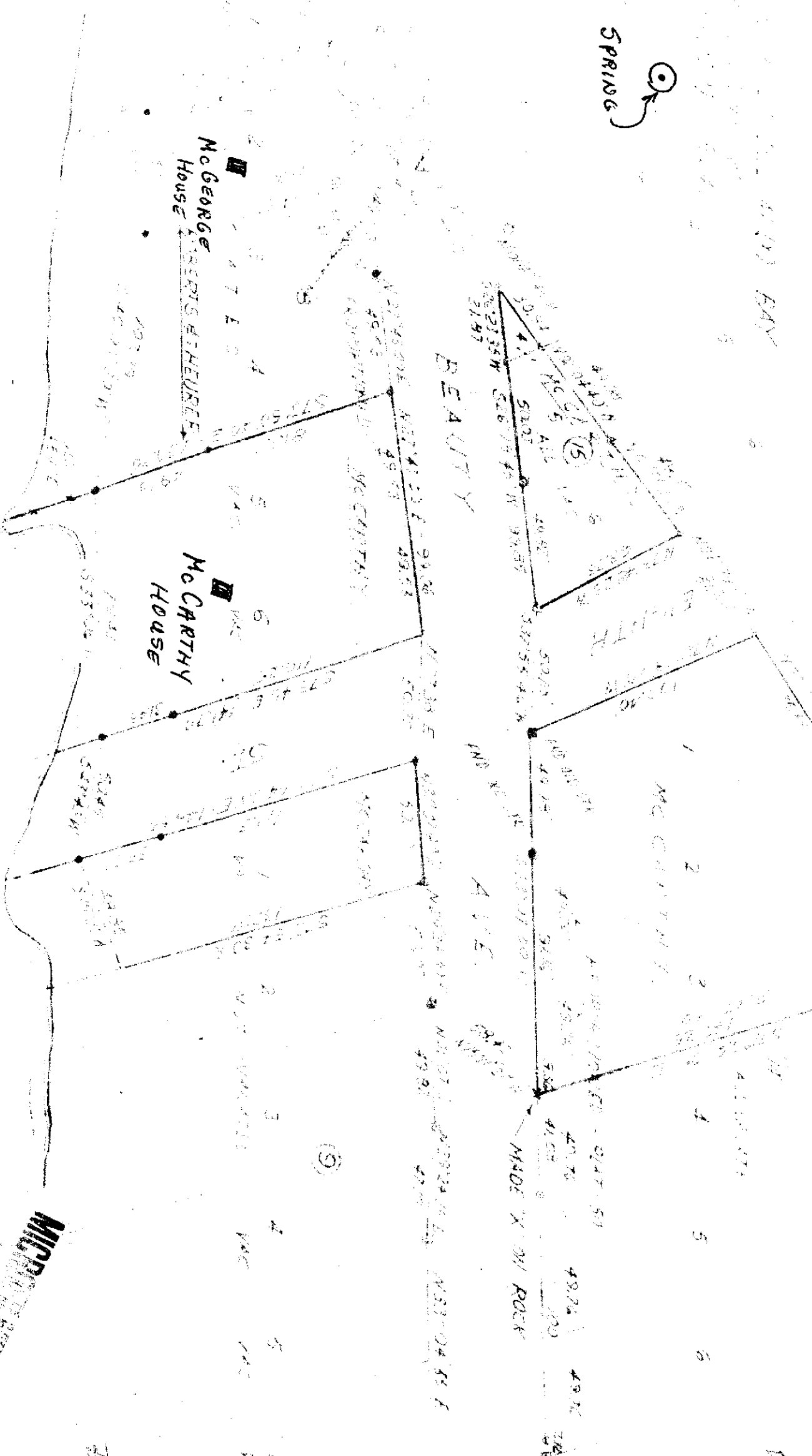
6111) BAY

BEAUTY

McGEORGE
House

McARTHUR
House

COLEMAN D'ALENCE



PLAT OF SURVEY OF 11 A	
BAY IN 1/4 SEC. 22 T. 4 N. R. 10 E.	
SCALE	1" = 50'
DATE	8-29-75
BY	S. LINE LOT
DM N	CRD

To whom it may concern:

By records and my recollection, the Spring located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 23, Township 49N, Range 4WBM, County of Kootenai, State of Idaho and more closely identified as being located on Lots 2 & 3 of Block 15 in McCrea's Addition to La Del Cardo Bay as per Plat recorded in Kootenai County Idaho page 101 was opened and cased in by my Father, E. E. Gimble and adjoining property owner B. M. George in the year 1923.

The water from this Spring was then piped to each of 3 residences, owned by and located in the following order:

Owner: Mary R. Gimble Lot 2, Block 8, La Del Cardo Addition
 " B. M. George Lots 3 & 4, Block 8, La Del Cardo Addition
 " Ismay Hubbell Lots 5 & 6, Block 8, La Del Cardo Addition

I fell heir to Lot 2, Block 8, La Del Cardo Bay Addition upon the death of my parents, E. E. Gimble and Mary R. Gimble, and subsequently sold this property, with all rights pertaining to it, to the present owners Mr. & Mrs. Lloyd M. McGeorge in May of 1946. These rights included entitlement to $\frac{1}{4}$ interest in the above Spring's output.

MICROFILMED

Charles Gregory
 11-5-82

Signed: *Germaine Gregory*
 Dated: 11-5-82

Signed before me this 5th day of November, 1982.

John Fred Teggelaar

JOHN FRED TEGGELAAR
 Notary Public, Kent Co., MI.
 Acting in Ottawa Co., MI.
 My Commission Expires 11-24-84

Lloyd Mc George
 E 7178 Nora
 Spokane WA 99207

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

January 12, 1983

Mr. Norman L. Gissel
Attorney at Law
1034 N. Third St.
Coeur d'Alene, Id. 83814

RE: 95-4514 Kinloch/Asee

Dear Mr. Gissel:

We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

January 12, 1983

Mr. and Mrs. James McCarthy
Mr. Lloyd McGeorge
Rt. 1 Box 199B
Burton, Wa. 98103

RE: 95-4514

Dear Claimants:

Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship the described rights.

If we may be of any further assistance, feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: pms

Enclosure

RECEIVED

WILDE AND GISSEL
ATTORNEYS -- AT -- LAW
1034 N. THIRD STREET
COEUR D'ALENE, IDAHO 83814

DEC 9 1982

Department of Water Resources
BOX NO.: 1466 OR 548
PHONE: 867-9574 OR
867-7016

LARRY A. WILDE
NORMAN L. GISSEL

December 6, 1982

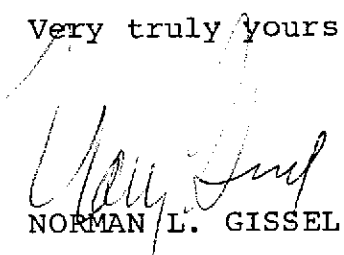
Mr. Robert G. Haynes
Regional Supervisor
State of Idaho
Department of Water Resources
4055 Government Way, Suite 1
Coeur d'Alene, Idaho 83814

Re: Your File Number 95-4514

Dear Mr. Haynes:

Pursuant to your letter of November 24, 1982 to this office, enclosed is Affidavit of Gail Kinloch, Oren Agee and Eloise Agee regarding the McCarthy and McGeorge Claim to a Water Right.

Very truly yours,


NORMAN L. GISSEL

NLG:mmv

Enclosure

cc: Department of Water Resources ✓
Statehouse
Boise, Idaho 83720

COPY

FROM Dave Tutthill

RECEIVED

DATE 12/17/82

TO Bob Haynes

DEC 22 1982

SUBJECT 95-4514

Department of Water Resources
Northern District Office

The attached documentation is a set of duplicates - we have a set of originals in the state office file.

Traditionally the regional office responds to the objector and to the claimant when we receive an objection to a claim, sending a copy of the correspondence to the state office. We have not written to Mr. Gissel yet - let me know if you would like us to.

Dave

SIGNATURE

STATE OF IDAHO)
) ss.
KOOTENAI COUNTY)

AFFIDAVIT

RECEIVED

Claim
NOV - 28 5 1982
Department of Water Resources

NORMAN L. GISSEL, being first duly sworn, on his oath deposes and says:

1. That he is attorney for Oren Agee and Eloise Agee, husband and wife, Leon Agee, Wynn B. Agee, Rose Luise Park and Gail Kinloch.

2. That the above named persons own real property in the Northwest quarter of the Northwest quarter of Section 23, Township 49 North, Range 4 W.B.M., Kootenai County, Idaho.

3. That James R. McCarthy and Marguerite McCarthy, husband and wife, and Lloyd McGeorge did, on October 1, 1982, file with the Idaho Department of Water Resources an Application to Appropriate Water for Domestic Purposes.

4. That Oren Agee and Eloise Agee, husband and wife, Leon Agee, Wynn B. Agee, Rose Luise Park and Gail Kinloch object to said Application to Appropriate Water for Domestic Purposes for the following reasons:

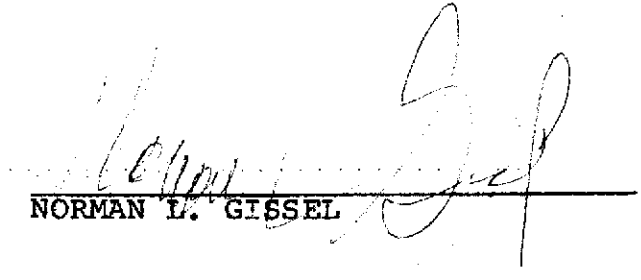
a. Said application and the notice published pursuant to said application do not fix the diversion point with any specificity; and the proposed diversion point may be on property owned by said protestants.

b. In the event the proposed diversion point is on a spring known to the protestants, they have a right to appropriate .04 cubic feet of water per second from said spring. See Department of Water Resources Permit Number 95-7944. The protestants believe and have reason to believe that, in the event the amount of water which the applicants intend to divert from the spring, i.e., .08 cubic feet per second, it will exhaust the spring and would jeopardize the earlier established rights of the protestants.

c. There are two other parties drawing water from the spring.

d. The applicants are applying for water for two families and they have only one residence to service.

This Affidavit is made under Idaho Code 42-203 and other applicable Idaho statutes.


NORMAN L. GISSEL

SUBSCRIBED AND SWORN TO before me this 23rd day of November, 1982.


Notary Public for Idaho
Residing at Coeur d'Alene
Commission Expires: Life

MICROFILMED

STATE OF IDAHO)
) ss.
KOOTENAI COUNTY)

AFFIDAVIT.

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

1. That they are the owners of Lot 3, Block 7, McCrea
Addition to LaDelcardo Bay, Idaho, in co-tenancy with Rose Luise
Park.

2. That your affiant, Oren Agee, also owns land which
is the subject of claimed water rights filed by James R. McCarthy,
Margerite McCarthy and Lloyd McGeorge..

3. That Lloyd McGeorge is entitled to 1/4 of the water
from the spring which they claim the water right to and James R.
McCarthy and Margerite McCarthy are entitled to 1/4 of the water
from that spring which they claim a water right to.

4. That said water is to be applied only to the house
currently owned by the McGeorge's and the house currently owned by
the McCarthy's.

5. That in June of 1982 the spring was tested for its
water production and showed 3.75 to 4.0 gallons per minute and
claimants are only entitled to 1/4 of that, which is approximately
1 gallon per minute per household.

6. That the claim of water rights does not set forth with
any clarity the amount of water that the claimants ask for; the
amount asked for is 0.08, and whether that is cubic feet per
second, or gallons per minute or acre feet is not made clear.

7. Your affiants take exception to any claim of water
rights by Lloyd McGeorge and James R. McCarthy and Margerite McCarthy
which is in excess of one gallon per minute per claimant for domestic
use.

8. Gail Kinlock and Eloise Agee are also excepting on
behalf of Rose Luise Park, a co-owner of the property, and who is

RECEIVED
JUN 10 1982
CLERK OF DISTRICT COURT
IDAHO

out of town and unable to sign this Affidavit.

DATED December 3rd, 1982.

Gail Kinloch
GAIL KINLOCH

Oren Agee
OREN AGEE

Eloise Agee
ELOISE AGEE

SUBSCRIBED and sworn to before me this 3rd day of December, 1982.

Merna Mae Vanderheyden
Notary Public for Idaho
Residing at: Coeur d'Alene
Commission Expires: Life

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NOV 17 1982

NOTICE OF PROTEST

TO: DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern District Office
4055 Government Way
Coeur d'Alene, Idaho
83814

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho, 83720

FROM: OREN and ELOISE AGEE, husband and
wife, LEON AGEE, WYNN B. AGEE, ROSE
LUISE PARK and GAIL KINLOCH,

Post Office Box 240
Coeur d'Alene, Idaho
83814

By and through their attorney,
NORMAN L. GISSEL

Post Office Box 548
Coeur d'Alene, Idaho
83814

Notice is hereby given that the above stated protestants object to the Application to Appropriate Water for Domestic Purposes filed by JAMES R. McCARTHY and MARGUERITE McCARTHY, husband and wife, and LLOYD McGEORGE, on October 1, 1982, for the following reasons:

1. The above named protestants own property in the Northwest quarter of the Northwest quarter of Section 23, Township 49 North, Range 4 W.B.M., Kootenai County, Idaho. The application filed by the McCarthys and the notice published pursuant to said application do not fix the diversion point with any specificity. The proposed diversion point may be on property owned by the protestants, to which they object.

2. In the event the proposed diversion point is on a spring known to the protestants, they have a right to appropriate .04 cubic feet of water per second from said spring. See Department of Water Resources Permit Number 95-7944. The protestants believe and have reason to believe that in the event the amount of water which the McCarthys intend to divert is taken from the spring, i.e., .08 cubic feet per second, that it will exhaust the spring and would jeopardize the earlier established rights of the protestants.

3. There are two other parties drawing water from the spring.

4. The McCarthys are applying for water for two families and they have only one residence to service.

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This Notice of Protest is made under Idaho Code 42-203
and other applicable Idaho statutes.

DATED this 15th day of November, 1982.



NORMAN L. GISSEL
Attorney for Protestants

RECEIVED

WILDE AND GISSEL
ATTORNEYS - AT - LAW
1034 N. THIRD STREET
COEUR D'ALENE, IDAHO 83814

LARRY A. WILDE
NORMAN L. GISSEL

DEC 8 1982

BOX NO.: 1466 OR 548
PHONE: 667-9874 OR
667-7016

Department of Water Resources
Northern District Office

December 6, 1982

Mr. Robert G. Haynes
Regional Supervisor
State of Idaho
Department of Water Resources
4055 Government Way, Suite 1
Coeur d'Alene, Idaho 83814

DM

Re: Your File Number 95-4514

Dear Mr. Haynes:

Pursuant to your letter of November 24, 1982 to this office, enclosed is Affidavit of Gail Kinloch, Oren Agee and Eloise Agee regarding the McCarthy and McGeorge Claim to a Water Right.

Very truly yours,

Norman L. Gissel
NORMAN L. GISSEL

NLG:mmv

Enclosure

cc: Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED

*No response req'd from state office - only
from regional office. DM*

STATE OF IDAHO)
) ss.
KOOTENAI COUNTY)

AFFIDAVIT

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

1. That they are the owners of Lot 3, Block 7, McCrea Addition to LaDelcardo Bay, Idaho, in co-tenancy with Rose Luise Park.

2. That your affiant, Oren Agee, also owns land which is the subject of claimed water rights filed by James R. McCarthy, Margerite McCarthy and Lloyd McGeorge..

3. That Lloyd McGeorge is entitled to 1/4 of the water from the spring which they claim the water right to and James R. McCarthy and Margerite McCarthy are entitled to 1/4 of the water from that spring which they claim a water right to.

4. That said water is to be applied only to the house currently owned by the McGeorge's and the house currently owned by the McCarthy's.

5. That in June of 1982 the spring was tested for its water production and showed 3.75 to 4.0 gallons per minute and claimants are only entitled to 1/4 of that, which is approximately 1 gallon per minute per household.

6. That the claim of water rights does not set forth with any clarity the amount of water that the claimants ask for; the amount asked for is 0.08, and whether that is cubic feet per second, or gallons per minute or acre feet is not made clear.

7. Your affiants take exception to any claim of water rights by Lloyd McGeorge and James R. McCarthy and Margerite McCarthy which is in excess of one gallon per minute per claimant for domestic use.

8. Gail Kinlock and Eloise Agee are also excepting on behalf of Rose Luise Park, a co-owner of the property, and who is

RECEIVED

out of town and unable to sign this Affidavit.

DATED December 3rd, 1982.

Gail Kinloch
GAIL KINLOCH

Oren Agee
OREN AGEE

Eloise R. Agee
ELOISE AGEE

SUBSCRIBED and sworn to before me this 3rd day of December, 1982.

Murna Jean Vanderheyden
Notary Public for Idaho
Residing at: Coeur d'Alene
Commission Expires: Life

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 95-4514

Applicant McGeorge-McCarthy

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 _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 12/8/82

RECEIVED
DEC 7 1982

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~xxxxxx~~
Director

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

November 24, 1982

Mr. Norman Gissel
Attorney at Law
P. O. Box 548
Coeur d'Alene, Id. 83814

Re: 95-4514

Dear Mr. Gissel:

Receipt is hereby acknowledged of your Affidavit regarding the filing of Mr. McGeorge and Mr. and Mrs. McCarthy.

Please be advised that that filing is not an Application for Permit but a Claim to a Water Right. We would refer you to Sections 42-244 and 42-243, Idaho Code, for information relating to the effect of the filing and the appropriate manner in which to dispute the filing.

We are enclosing a copy of the claim to assist you in preparation of any exception that your clients may wish to file. You will note that the filing they made is an affidavit of a right which they maintain already exists because the diversion and use of water is already in existence.

We apologize for any inconvenience our previous letter may have caused you because we did not adequately explain what you needed to do on behalf of your clients. If you have any questions, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Claim

RECEIVED
NOV 27 1982
CLERK

STATE OF IDAHO)
) ss.
KOOTENAI COUNTY)

AFFIDAVIT

RECEIVED
NOV 24 1982

Department of Water Resources
Northern District Office

NORMAN L. GISSEL, being first duly sworn, on his oath
deposes and says:

1. That he is attorney for Oren Agee and Eloise Agee,
husband and wife, Leon Agee, Wynn B. Agee, Rose Luise Park and
Gail Kinloch.

2. That the above named persons own real property in
the Northwest quarter of the Northwest quarter of Section 23,
Township 49 North, Range 4 W.B.M., Kootenai County, Idaho.

3. That James R. McCarthy and Marguerite McCarthy,
husband and wife, and Lloyd McGeorge did, on October 1, 1982,
file with the Idaho Department of Water Resources an Application
to Appropriate Water for Domestic Purposes.

4. That Oren Agee and Eloise Agee, husband and wife,
Leon Agee, Wynn B. Agee, Rose Luise Park and Gail Kinloch object
to said Application to Appropriate Water for Domestic Purposes
for the following reasons:

a. Said application and the notice published pursuant
to said application do not fix the diversion point with any
specificity, and the proposed diversion point may be on property
owned by said protestants.

b. In the event the proposed diversion point is on a
spring known to the protestants, they have a right to appropriate
.04 cubic feet of water per second from said spring. See Department
of Water Resources Permit Number 95-7944. The protestants believe
and have reason to believe that, in the event the amount of water
which the applicants intend to divert from the spring, i.e., .08
cubic feet per second, it will exhaust the spring and would jeopardize
the earlier established rights of the protestants.

c. There are two other parties drawing water from the
spring.

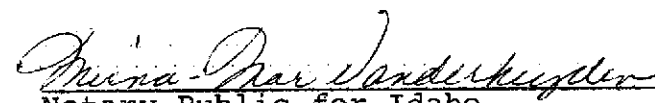
MICROFILMED

d. The applicants are applying for water for two families and they have only one residence to service.

This Affidavit is made under Idaho Code 42-203 and other applicable Idaho statutes.


NORMAN L. GISSEY

SUBSCRIBED AND SWORN TO before me this 23rd day of November, 1982.


Nina Marie Vanderheyden
Notary Public for Idaho
Residing at Coeur d'Alene
Commission Expires: Life

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

NOVEMBER 22, 1982

JAMES R. MC CARTHY
MARGUERITE MC CARTHY
LLOYD MC GEORGE
RT. 1 BOX 199B
BURTON

WA 98103

RE: Claim No. 95-4514

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. Haynes, P.E.
Regional Supervisor

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn

~~Stephen Allen~~

Director

Suite No. 1

4055 Government Way

Coeur d'Alene, Idaho 83814

(208) 667-6484

November 22, 1982

Re: 95-4514

Mr. Norman Gissel
Attorney at Law
P. O. Box 548
Coeur d'Alene, Id. 83814

Dear Mr. Gissel:

We wish to acknowledge receipt of your clients' Notice of Protest for the above-referenced Claim to a Water Right.

Please be advised, however, that pursuant to Idaho Code Section 42-244, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate.

We are, therefore, returning the Notice of Protest. In order for it to become an official exception to the above, please re-submit it in affidavit form in duplicate.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

pms

Enc. - Notice of Protest

MICROFILMED

RECEIVED

NOV 19 1982

Department of Water Resources

NOTICE OF PROTEST

TO:

DEPARTMENT OF WATER RESOURCES

4055 Government Way
Coeur d'Alene, Idaho
83814

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho, 83720FROM: OREN and ELOISE AGEE, husband and
wife, LEON AGEE, WYNN B. AGEE, ROSE
LUISE PARK and GAIL KINLOCH,Post Office Box 240
Coeur d'Alene, Idaho
83814By and through their attorney,
NORMAN L. GISSELPost Office Box 548
Coeur d'Alene, Idaho
83814

Notice is hereby given that the above stated protestants object to the Application to Appropriate Water for Domestic Purposes filed by JAMES R. MCCARTHY and MARGUERITE MCCARTHY, husband and wife, and LLOYD McGEORGE, on October 1, 1982, for the following reasons:

1. The above named protestants own property in the Northwest quarter of the Northwest quarter of Section 23, Township 49 North, Range 4 W.B.M., Kootenai County, Idaho. The application filed by the McCarthys and the notice published pursuant to said application do not fix the diversion point with any specificity. The proposed diversion point may be on property owned by the protestants, to which they object.

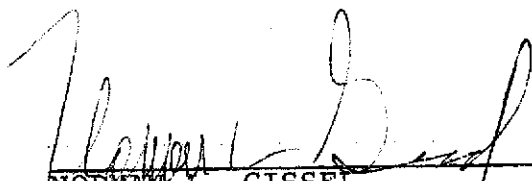
2. In the event the proposed diversion point is on a spring known to the protestants, they have a right to appropriate .04 cubic feet of water per second from said spring. See Department of Water Resources Permit Number 95-7944. The protestants believe and have reason to believe that in the event the amount of water which the McCarthys intend to divert is taken from the spring, i.e., .08 cubic feet per second, that it will exhaust the spring and would jeopardize the earlier established rights of the protestants.

3. There are two other parties drawing water from the spring. The McCarthys are applying for water for two families and they have only one residence to service.

RECEIVED

This Notice of Protest is made under Idaho Code 42-203
and other applicable Idaho statutes.

DATED this 15 day of November, 1982.


NORMAN L. GISSEL
Attorney for Protestants

MICROFILMED

95-4514

MC CARTHY, JAMES R. &/or MARGUERITE
MC GEORGE, LLOYD

RT. 1 BOX 199B, BURTON, WA 98103

Source: SPRING tributary to COEUR D ALENE LAKE

Priority Date: 01/01/1920

Amount: 0.08 CFS

Diversion Point: LOT 01 (NWNW) Sec 23 T 49N R 04W, KOOTENAI Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: LOT 01 (NENW) LOT 01 (NWNW) Sec 23 T 49N R 04W

REPRODUCTION