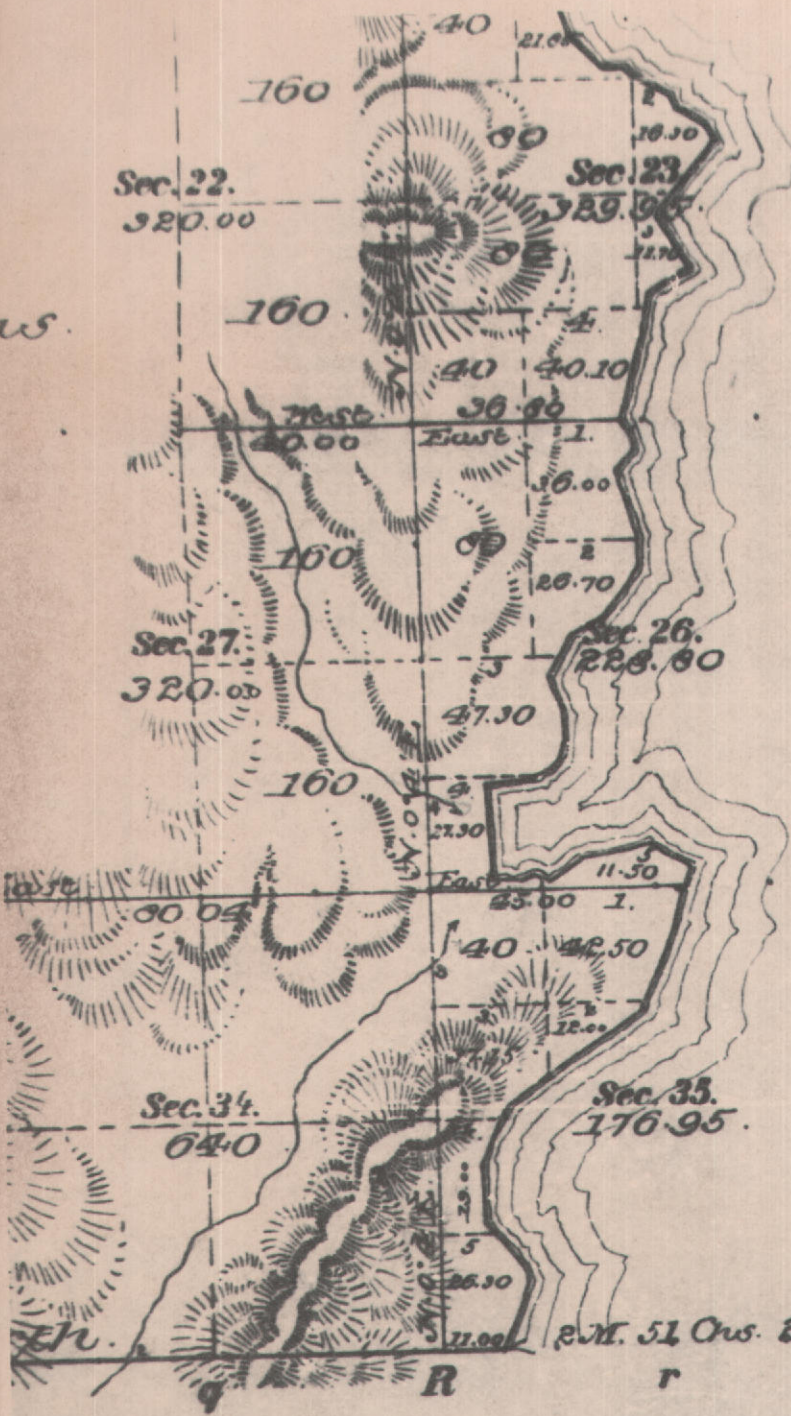
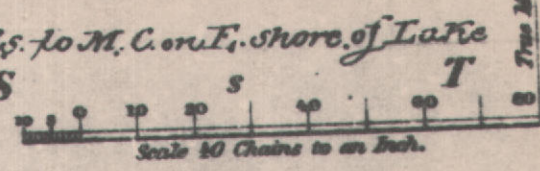
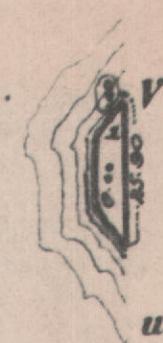




D'ALLE
COEUR



69.85.
an Declination
21' 20" East

The above Map, of Township N. 49 North, of Range
Hoise Meridian, Idaho, is stric
notes of the survey thereof on file in this Office, which have

Surveyor General's Office.
Hoise City, Idaho,
February 23, - 1893.

Willis

RECEIVED

* * * * * A M E N D E D * * * * *

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

E. 27 40th, Spokane, Washington 99203

(Name of Claimant)

Telephone No. _____

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) 1907

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

Spring _____ tributary to _____

-(cfs, qpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo.,

(Mo., Day)

Quantity 1440 gpd

Use Domestic

Period of Use From

To 12/31

Quantity 1440 gpd

Use Stockwater

Period of Use From

To 12/31

Quantity _____

Use

Period of Use From

To _____

Quantity _____

Use

Period of Use From

To _____

Quantity 1410 = 1410

Use

Period of Use From

To _____

(4) 1440 gpd TOTAL QUANTITY USED.

(cfs. gpd. AFA)

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

GL 4 ¼ ¼, Sec. 35 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. Water piped by gravity through one-inch line to concrete tank, thence to metal tank and trough. From there pipes carry water to lakeshore homes in lots 14, 15, 16 and 17.

(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.

[illegible]

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: This spring water source has, since 1907, been used continuously by past and present owners for stock and domestic drinking water. Volume of flow varies seasonally from 1 gpm in spring to 1/2 gpm in fall. It has always been ample for homes and stock.

NOTE: Include here the type and number of stock watered: varies 0 to 5 horses.

(7) If you are claiming water as a member of an organization, list name of organization: Pilot Rock Development Assn.

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

On February 15, 1983, Pilot Rock Development Assn. filed with the Department of Water Resources Amended Claim No. 95-4484. The original claim shows water is taken from a spring with 1440 gpd for domestic purposes from 1/1 to 12/31 and 1440 gpd for stockwater purposes from 1/1 to 12/31; with a point of diversion in Government Lot 5 Sec. 35 T49N R4W; and a place of use located in Government Lot 5 Sec. 35 T49N R4W. The priority date is 1907.

Claimant now wishes to amend said claim to show the point of diversion as being within Government Lot 4 Sec. 35 T49N R4W.

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

A. KENNETH DUNN, Dir.

Published in the Coeur d'Alene Press on 2/24 and 3/3/83.

AFFIDAVIT OF PUBLICATION

NOTICE OF AMENDED CLAIM TO A WATER RIGHT
On February 15, 1983, Pilot Rock Development Assn. filed with the Department of Water Resources Amended Claim No. 95-4484. The original claim shows water is taken from a spring with 1440 gpd for domestic purposes from 1/1 to 12/31 and 1440 gpd for stockwater purposes from 1/1 to 12/31; with a point of diversion in Government Lot 5 Sec. 35 T49N R4W; and a place of use located in Government Lot 5 Sec. 35 T49N R4W. The priority date is 1907. Claimant now wishes to amend said claim to show the point of diversion as being within Government Lot 4 Sec. 35 T49N R4W. Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

A. KENNETH DUNN, Dir.
Legal 624
Feb. 24, March 3, 1983

STATE OF IDAHO, } ss.
County of Kootenai,

Arline 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

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 24 day of Feb, 1983, and ending on the 3 day of Mar, 1983, 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.

Arline Hancock
subscribed and sworn to before me this 3 day of Mar, 1983.

RECEIVED

MAR 2 1983

Department of Water Resources
Northern District Office

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

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 Pilot Rock Development Assn., Coeur d'Alene Lake, Ida
(Name of Claimant)

A. F. Galloway, President 2430 S Helena Ct. SPOKANE, WASH Telephone No. 1-509-535-1277
(Mailing Address) (Zip Code) 99203

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) 1907

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)

(3) SPRING tributary to _____
 claimed: _____

		(Both dates inclusive)	
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>1440 gpd</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>1440 gpd</u>	Use <u>Stock water</u>	Period of Use From <u>1-1</u>	To <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 _____

(4) 1448 gpd TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

Point of diversion: (Location of point where water is diverted from its source)
 Gen. Lot 5 Sec. 35 Twp. 49 N Rge. 4 W 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. FROM SPRING SOURCE, NEAR N. BOUNDARY LINE OF LOT 5, AT A POINT APPROX. 200' E OF W. BOUNDARY LINE OF SEC 35, WATER PIPED BY GRAVITY THRU 1" LINE, 200' TO CONCRETE STORAGE TANK (3000 GAL), THENCE TO 50' METAL STORAGE TANK AND STEEL WATER TROUGH 800'. FROM THERE PIPES CARRY WATER TO LAKE SHORE HOMES ON LOTS 14-15-16-17

(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 use*

[illegible]

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: THIS SPRING WATER SOURCE HAS, SINCE 1907, BEEN USED CONTINUOUSLY, BY PAST AND PRESENT OWNERS, FOR STOCK AND DOMESTIC DRINKING WATER. VOLUME OF FLOW VARIES SEASONALLY FROM 19 GPM IN SPRING TO 6 GPM IN FALL. IT HAS ALWAYS BEEN AMPLIE FOR HOMES AND STOCK

NOTE: Include here the type and number of stock watered: VARIES 0 to 5 horses

If you are claiming water as a member of an organization, list name of organization:

Pilot Rock Development Assn.

MICROFILMED

(8)	Remarks	See attached sheets
-----	---------	---------------------

3.

Conversation with Rudolph Kvern November 6, 1981, when he was a patient at the Kootenai Memorial Hospital in Coeur d'Alene, Idaho. A.F. Galloway and Pat Phalon, both from Pilot Rock Assn., talked with Mr. Kvern about the spring on the old Kvern homestead.

Mr. Kvern's father, Ole P. Kvern, moved onto the present Pilot Rock property in 1900, when he secured a homestead called Sandpoint at the time. In the spring of 1901 he moved his family to the farm; he was 1 year old at the time. There were eventually 8 children. The homestead was registered in Mr. Ole Kvern's name by a land grant authorized by Teddy Roosevelt in 1907. There were 160 acres in the original grant but Rudolph supposed that part of the land along the lake was lost when the lake was raised.

Mr. Kvern's father found the spring on the property right away. He put in a small concrete cistern and iron pipe to water his potato patch. In about 1923 or '24 the pipe line was removed because they had a dairy going with about a dozen cows for milking and some for meat. They usually had at least one team or horses. When they installed the pipeline Rudy remembers they used ½ inch pipe from the spring to the large storage tank because it was cheaper, but used the ¾ inch pipe from the tank down to the house and barn, to get more pressure. It was about 2100 feet altogether from the spring to the house and barn. They needed the extra pressure of the water to clean the barn; they were pretty "fussy" on a dairy farm even back then; the barn had to be scrubbed with a large brush every week. Rudy also remembers the water was so cold that they had to warm it up in large pans on an old wood burning stove in the barn before the cows could drink it; otherwise they would just stand and shiver all day if they drank the cold water.

Mr. Kvern's father always believed the spring to be on his land, and once showed Rudy and others in the family the property lines. There is a fair sized rock at the water line which marked the north boundary. Everyone in the family absolutely believed the spring was on their property. No one ever tried to claim a right to use the spring water as long as they had the farm. The last person to live on the family farm was his brother Edward; he lived there right up to the time Pilot Rock bought the property in 1956. He used the spring water for drinking and for a few cows right up until the time he left.

When we asked Rudolph again about all the uses of the spring water, he said they used it for the house, for the barn, for the cattle and horses and for the potato patch and garden. Our comment was that "it was a pretty valuable spring for your family". He said "you can say that again!" In spite of being quite ill and 81 years old, Rudolph Kvern was mentally alert and willing to carry on this discussion today.

A. F. Galloway
A.F. Galloway, Pres. Pilot Rock Assn.

Sworn to before me this 27th day of November, 1981

Robert L. Haynes
Notary Public
Residing at *COA* -

Nov. 6, 1981

MICROFILMED

8. Remarks -- Explanation of Pilot Rock Assn. Claim

From the time of purchase of the Kvern property by Pilot Rock Assn. in April 1956, Pilot Rock owners have continuously used this spring water for domestic and stock drinking water.

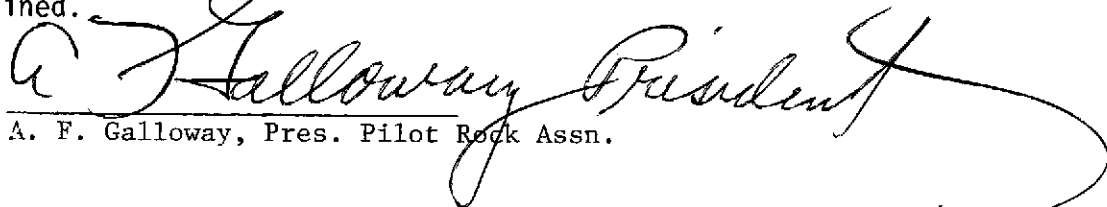
In 1978 Crescent Bay Assn. reportedly surveyed their newly acquired property including the boundary line between Govt. Lots 5 and 4, and claimed the spring to be on their Govt. Lot 4 land. Their request for a permit for water right was approved by the Idaho Dept. of Water Resources. No notice was given to the Pilot Rock group, of the filing of the request for permit, although they knew Pilot Rock had been using the spring for a number of years. Crescent Bay in 1980 removed Pilot Rock's spring box, and connecting pipeline. They then installed their own, completely appropriating all the water, cutting the flow to Pilot Rock's pipeline. Since that time Pilot Rock had repeatedly reconnected the pipeline to the spring source, even attempting to divide the flow, only to have our connection destroyed, and our pipe removed.

Pilot Rock believes that the continuous use of this water source since 19801 on Govt. Lot 5, first by the Kverns, and then by Pilot Rock, either for domestic use or stock or both, entitled them to perpetual use of this spring. The attached summary of a conversation with Rudolph Kvern, a living descendant of Ole P. Kvern, indicates that the Kverns always believed the spring to be on their property.

Because Crescent Bay has repeatedly interrupted the flow of water from this spring, Pilot Rock can no longer water livestock from watering trough, so that horses or other livestock can no longer be pastured where previously kept, away from contaminating the waters along the shoreline of Lake Coeur d'Alene. Domestic use is no longer dependable when Crescent Bay cuts our lines.

Because of the facts presented in this claim it is believed re-consideration should be made of Crescent Bay's permit for all the water from this spring. Even if their survey (as yet unrecorded) does locate the spring over the line on Govt. Lot 4 instead of Govt. Lot 5, we of Pilot Rock claim a right to part or all of this spring water source, because of long-standing, previously non-contested, continuous use since 1901 on the Pilot Rock property by its past and present owners.

Until the courts or legal process determines otherwise, Pilot Rock Assn. claims that old long-established use of this water source should be maintained.


A. F. Galloway, Pres. Pilot Rock Assn.

Sworn to before me this 27th day of November, 1981


Notary Public 
Residing at 

8. Remarks

Attached find --

1. Original homestead grant of Govt Lot 5, Sec 35, in township 49 N, R 4 WBM, to Ole P Kvern by Theodore Roosevelt in 1907.
2. Warranty Deed of Transfer of same Kvern property from heirs of Ole Kvern to Pilot Rock Development Association, Apr 17, 1956.
3. Summary of conversation with Rudolph Kvern, son of Ole Kvern, regarding the spring and property.
4. Explanation of Pilot Rock's claim for this spring water.
5. Map showing location of spring, pipelines and storage.

RECEIVED

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:

91-4034

THOMPSON, DUANE R.
RT. 1 BOX 126, ST. MARIES, ID 83861

Source: UNNAMED STREAM tributary to BLACK LAKE

Priority Date: 01/01/1900

Amount: 0.3 AC-FT

Diversion Point: SWNW Sec 25 T 47N R 03W, KOOTENAI Co.

Use: STOCKWATER STORAGE (0.3 AC-FT) from 01/01 to 12/31

Place of Use: SWNW Sec 25 T 47N R 03W

95-4482

MATTMILLER-NEWMAN
C/O DAWN MATTMILLER, P.O. BOX 1077, COEUR D'ALENE, ID 83814

Source: COEUR D'ALENE LAKE tributary to SPOKANE RIVER

Priority Date: 01/01/1900

Amount: 0.20 CFS

Diversion Point: LOT 04 Sec 29 T 50N R 03W, KOOTENAI Co.

Use: IRRIGATION (0.20 CFS) from 03/15 to 11/15

Place of Use: LOT 04 Sec 29 T 50N R 03W FOR 10 ACRES

95-4483

MATTMILLER-NEWMAN
C/O DAWN MATTMILLER, P.O. BOX 1077, COEUR D'ALENE, ID 83814

Source: GROUNDWATER

Priority Date: 01/01/1930

Amount: 0.14 CFS

Diversion Point: LOT 04 Sec 29 T 50N R 03W, KOOTENAI Co.

Use: COMMERCIAL (0.14 CFS) from 01/01 to 12/31

Place of Use: LOT 04 Sec 29 T 50N R 03W

95-4484

PILOT ROCK DEVELOPMENT ASSN.

C/O A. F. GALLOWAY, 2430 S. HELENA CT., SPOKANE, WA 99203

Source: SPRING tributary to SINKS

Priority Date: 01/01/1907

Amount: 0.02 CFS

Diversion Point: LOT 06 Sec 35 T 49N R 04W, KOOTENAI Co.

Use: STOCKWATER (0.02 CFS) from 01/01 to 12/31; DOMESTIC (0.02 CFS) from 01/01 to 12/31

Place of Use: LOT 06 Sec 35 T 49N R 04W

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 971

Dec. 24, 31, 1981

STATE OF IDAHO,
County of Kootenai,

ss.

Alene Herald 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 Claims to Water Rights

of which the annexed is a printed copy, was published in the regular thus issue of said newspaper for 3 consecutive weeks commencing on the 24 day of Dec, 1981, and ending on the 31 day of Dec, 1981, 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.

Alene Herald
Subscribed and sworn to before me this 31 day of Dec, 1981

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

It of W. J. Galloway
LEADER
ern District Office

11/11/82

MICROFILMED

3-14
27.50 CR

BOOK 163 PAGE 306

310077 WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That RUDOLPH KVERN of Coeur d'Alene, County of Kootenai, State of Idaho; ROSENA KVERN BOYINGTON, also known as ROSINE KVERN BOYINGTON, of St. Maries, County of Benewah, State of Idaho; SELMER KVERN of Cataldo, County of Kootenai, State of Idaho; ELLA KVERN KARB of Los Angeles, County of Los Angeles, State of California; and EDWIN KVERN, of Coeur d'Alene, County of Kootenai, State of Idaho, in consideration of one dollar and other valuable consideration, do hereby grant, bargain, sell, and convey unto the PILOT ROCK DEVELOPMENT ASSOCIATION, INC., a non-profit Co-operative Association, the following property in Kootenai County, State of Idaho, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Forty-nine (49) N., Range Four (4), W. B. M.; Lot Five (5) in Section Thirty-five (35), Township Forty-nine (49) N., Range Four (4), W.B.M.; Lot One (1), Section Two (2), Township Forty-eight (48) N., Range Four (4), W.B.M.; Lots One (1) and Two (2), the South 20 rods of the North 40 rods of Lot Five (5), the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), and the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), all in Section Three (3), Township Forty-eight (48) N., Range Four (4), W.B.M.; and the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Four (4), Township Forty-eight (48) N., Range Four (4) W.B.M.

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-described premises are free from all encumbrances, and that we and our heirs, executors, and administrators shall warrant and defend the above premises against all lawful claims and demands except taxes for the years 1954 and 1955, and easements of record.

MICROFILMED

Signed on the dates set opposite our respective names.

Rudolph Kvern 4-13-56
Rudolph Kvern Date

Rosena Kvern Boyington 4-14-56
Rosena Kvern Boyington Date

Selmer Kvern 4-12-1956
Selmer Kvern Date

Ella Kvern Karb 4-21-1956
Ella Kvern Karb Date

Edwin Kvern 4-17-56
Edwin Kvern Date

State of Idaho }
County of Kootenai } ss:

On this 13th day of April, 1956, before me
Carol Kelly, a Notary Public in and for said state,
personally appeared RUDOLPH KVERN, known to me to be the person
whose name was subscribed to the foregoing instrument, and ac-
knowledgeed to me that he executed the same.

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

Carol Kelly
Notary Public
Residing at: Boise, Idaho
My Comm. expires 1-1-57

State of Idaho }
County of Benewah } ss:

On this 14th day of April, 1956, before me
Carol Kelly, a Notary Public in and for said state,
personally appeared ROSENA KVERN BOYINGTON, also known as ROSINE
KVERN BOYINGTON, known to me to be the person whose name was sub-
scribed to the foregoing instrument, and acknowledged to me that
she executed the same.

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

Carol Kelly
Notary Public
Residing at: St. New, Idaho
My Comm. expires 7/26/57

State of Idaho }
County of Kootenai } ss:

On this 12th day of APRIL, 1956, before me
A. M. Hanson, a Notary Public in and for said

Filed and recorded at the request of James D. Riggs
at 2:54 o'clock P. M. this 30 of April, 1956

JAMES D. RIGGS
Ex-Officio Auditor-Recorder
Kootenai County, Idaho 258250

By: Carolyn Kvern
Deputy

state, personally appeared SELMER KVERN, known to me to be the person whose name was subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Am. Hanson
Notary Public

Residing at:

NOTARY PUBLIC for the State of Idaho
resides at Coeur d'Alene, Idaho
My Commission expires Apr. 22, 1957

State of California }
County of Los Angeles) ss:

On this 21 day of April, 1956, before me Richard J. Sparrow, a Notary Public in and for said state, personally appeared ELLA KVERN KARB, known to me to be the person whose name was subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Richard J. Sparrow
Notary Public

Residing at: Los Angeles Calif.

My Commission Expires Sept. 29, 1959

State of Idaho }
County of Kootenai) ss:

On this 17 day of April, 1956, before me Anna Rose Brown, a Notary Public in and for said state, personally appeared EDWIN KVERN, known to me to be the person whose name was subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Anna Rose Brown
Notary Public

Residing at:



RECORDED

THE UNITED STATES OF AMERICA.

Homestead Certificate No. 1744

Application 2840

To all to Whom these Presents shall Come--GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Cœur d'Alene, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Ole P. Kvern

has been established and duly consummated, in conformity to law, for the

Southeast quarter of the Southeast quarter of Section Thirty four, and the Lot five of Section thirty five in Township Forty nine, North, and the Lot one of Section Two and the Lots One and Two of Section three in Township forty eight north of Range four West of the Boise Meridian, Idaho, containing one hundred thirty nine and eighty hundredths acres;

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said

Ole P. Kvern

the tract of land above described.

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said

Ole P. Kvern

and to his heirs

and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I,

Theodore Roosevelt

President of the United States

of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

(Gen. Land Office Seal)

Given under my hand, at the City of Washington, the fourteenth day of November, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty second.

BY THE PRESIDENT:

Theodore Roosevelt

By F. M. McKean

Secretary.

Recorded Idaho Vol. 684 Page 317

H. W. Sanford

Recorder of the General Land Office.

Filed for record at the request of J. E. Heddal

on the 22 day of Oct.

1908, at 10 o'clock A.M.

By

Deputy

J. H. Quarles

County Recorder.

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

95-8142

PILOT ROCK DEVELOPMENT ASSN.

c/o A. F. GALLOWAY, 2430 S.
HELENA CT., SPOKANE, WA
99203

Source: SPRING tributary to
SINKS

Priority Date: 01/01/1907

Amount: 0.02 CFS

Diversion Point: LOT 06 Sec 35 T
49N R 04W, KOOTENAI Co.

Use: STOCKWATER (0.02 CFS)
from 01/01 to 12/31 DOMESTIC

(0.02 CFS) from 01/01 to 12/31
Place of Use: LOT 06 Sec 35 T 49N
R 04W

Diversion Means: SPRING,
STORAGE TANK WITH
PIPELINE TO PLACE OF USE.

95-8143

PILSTROM, PAUL

EVANS, RICHARD

SPOONER, BILL

6900 W. HOLLAND RD., POST
FALLS, ID 83854

Source: GROUNDWATER

Date Filed: 12/01/1981

Amount: 0.12 CFS

Diversion Point: NESW Sec 13 T
50N R 06W, KOOTENAI Co.

Use: DOMESTIC (0.12 CFS) from
01/01 to 12/31

Place of Use: NESW LOT 03 Sec
13 T 50N R 06W

Diversion Means: WELL &
PUMP.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, Id, 83814 on or before DECEMBER 28, 1981.

A. KENNETH DUNN
Director

Legal 926

Dec. 10, 17, 1981

STATE OF IDAHO,

County of Kootenai,

ss.

Arlene 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 application for water rights

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 10 day of Dec, 1981, and ending on the 17 day of Dec, 1981, 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.

Arlene Hancock

Subscribed and sworn to before me this 17 day of Dec

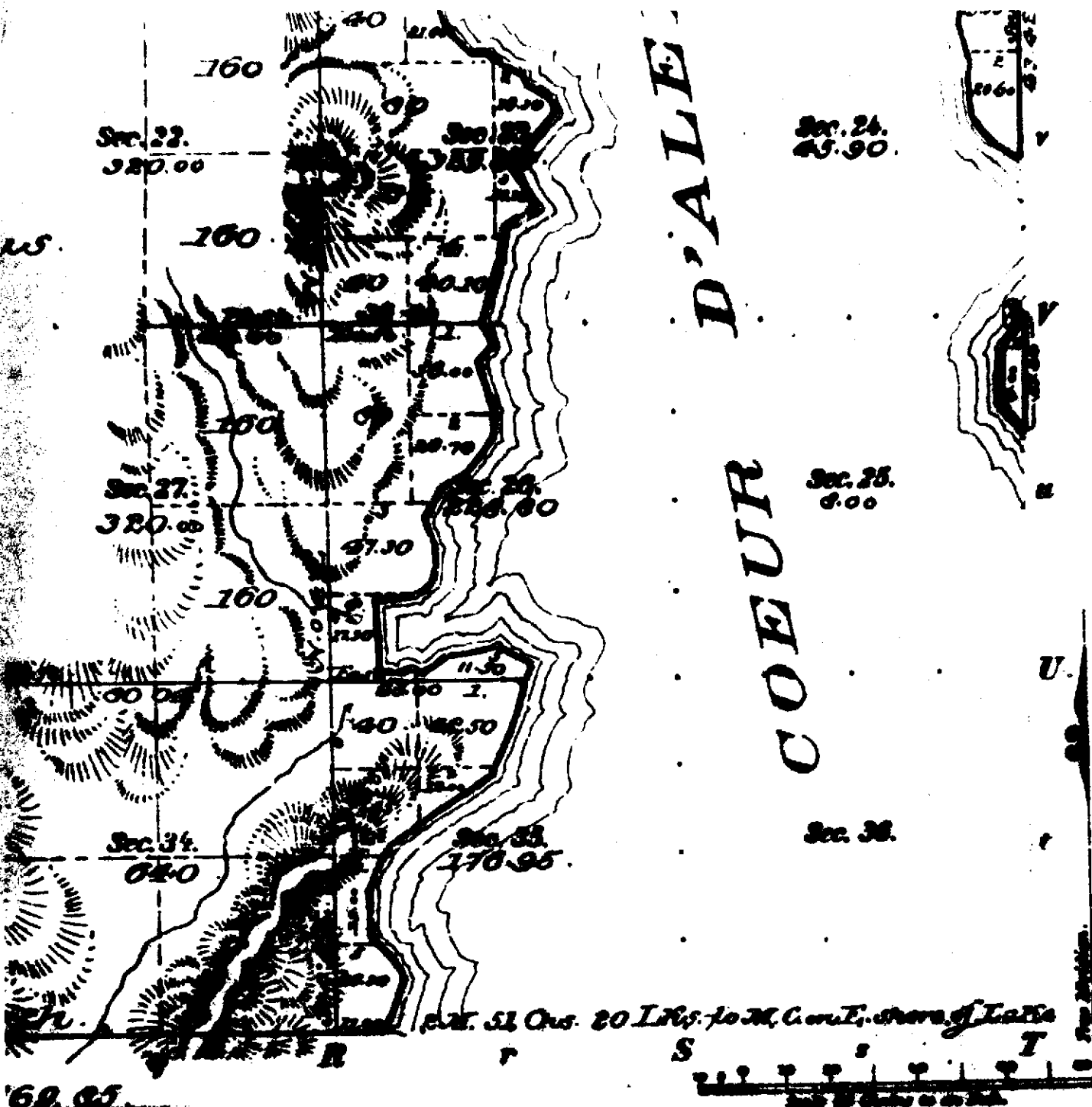
RECEIVED

DEC 18 1981

LEADER

Department of Water Resources
Northern District Office

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



The above Map of Township T. 20 N. R. 20 E. of Range 10 E. of the 1st Meridian, is the work of the surveyor, and is the property of the U.S. General Land Office.

Surveyor General's Office.
Tulsa, Okla., June 1, 1905.

W. H. Miller

RECEIVED

State of Idaho
Department of Water Resources

Amended
CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *JK*

Right Number 95-44841 Applicant *Belt Rock Dev. Assn.*

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. *0.01 from item # 6 B*
- ☒ 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 3/14/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *Jan* Date 4/25/83

RECEIVED

RECEIVED
MAR 22 1983

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

March 15, 1983

Pilot Rock Development Assn.
E. 27 40th St.
Spokane, Wash. 99203

Re: 95-4484 (AMENDED)

Gentlemen:

The Department of Water Resources has completed the advertising of your amended 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 amended 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 amended 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

pms
Enc. - Amended Claim

FORM LR-873

SENDER —Remove Canary Copy For Your File, Send Remainder
Of Set INTACT With Carbons To Person Addressed.**RECIPIENT** —Write Reply At Bottom, Keep The White Copy
Return The Pink*To:*

Mr. Tom King
 Senior Water Resource Agent
 State of Idaho
 Dept. of Water Resources
 4055 Government Way, Suite #1
 Coeur d'Alene, ID 83814

JOHN L. HARVEY
WEST 7 SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201
 509 - 624-3002

SUBJECT

95-4484

DATE

2/14/83

*Reply Message***MESSAGE**

Enclosed is the signed (notorized) amended claim. We appreciate very much
 your assistance in this matter.

REPLY

SIGNED

DATE

John L. Harvey
 John L. Harvey

SIGNED

RECIPIENT



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

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

February 4, 1983

Mr. John Harvey, President
Pilot Rock Park
E. 27 40th St.
Spokane, Wa. 99203

Re: 95-4484

Dear Mr. Harvey:

The only method of changing a Claim to a Water Right is to file an Amended Claim.

I have taken the liberty of preparing the Amended Claim for your approval and notarized signature. Please check the claim carefully to insure accuracy and return it to this office.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Amended Claim

cc: *State Office where.*

RECEIVED

FEB 2 1983

Department of Water Resources
State of Idaho
Coeur d'Alene, Idaho

Feb. 1, 1983

Department of Water Resources
Northern District Office

Please note the following correction in our claim to a water right filed previously by Pilot Rock Park. (Claim no. 95-4484).

Par 5 (A) Point of diversion wrongly states:
Govt Lot 5, Sec. 35.Twp 49N, R4, W6M

This to be corrected to the following:
Govt Lot 4, near boundry line between Govt Lots 4 and 5, Sec35, Twp49N
R4, W6M

No other change.

Thank you,

John Harvey
John Harvey, President
Pilot Rock Park
27 40th
Spokane, Wash. 99203

This document prepared by Augustus W. Galloway, Past President Pilot Rock Park.

Augustus W. Galloway

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 85-4484 Applicant Julia Rock Dev Assoc

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 pm Date 1/11/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jmi Date 1/19/82

No follow-up required on January 4, 1982
letter per discussion with
Dane Tubbs.

RECEIVED
JAN 19 1982

Department of Water Resources

RECEIVED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
35	49	N	24	5		127.6

IDAHO STREAM CODE INDEX

4800.

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



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Assistant Secretary
for water

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

January 11, 1982

Mr. A. F. Galloway, President
Pilot Rock Development Assn.
2430 S. Helena Ct.
Spokane, Wa. 99203

Re: 95-4484

Dear Mr. Galloway:

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

RECEIVED
JAN 14 1982
WATER RESOURCES
NORTHERN REGION

A. Kenneth Dunn
XXXXXXXXXXXX

January 4, 1982

Mr. John F. Tenold
Attorney at Law
Building N-2 Spokane Industrial Park
N. 3808 Sullivan Rd.
Spokane, Wa. 99216

Re: 95-4484 Pilot Rock Development Assn.
(Formerly 95-8142)

Dear Mr. Tenold:

We wish to acknowledge receipt of your letter of December 29, 1981,
regarding Pilot Rock Development Assn.

This office mistakenly advised you that an exception can be filed in
letter form. The exception must be in affidavit form.

If you will forward an affidavit to this effect, we will keep it as
a permanent part of the file.

We are sorry for any inconvenience this may have caused you.

Sincerely,

Patricia M. Stypa
Sr. Secretary

MICROFILMED

LAW OFFICES OF *John F. Tenold*

JOHN F. TENOLD

December 29, 1981

Director
Idaho Department of Water Resources
4055 Government Way
Couer d'Alene, Idaho 83814

Re: 95-4484 Pilot Rock Development Assn.
(Formerly 95-8142)

Dear Sir:

The Crescent Bay Association hereby files exception to the Pilot Rock Development Association's claim to a water right as referenced above. The basis of this exception is that the claimed use, if it ever existed, has not been used for at least 20 years. The water source lies solely on property owned by the Crescent Bay Association.

Thank you very much for your assistance in this matter. If at any time you have any questions, please do not hesitate to contact my office.

Very truly yours,

JOHN F. TENOLD
Attorney at Law

By *John F. Tenold*
John F. Tenold

pjw

Certified

RECEIVED
DEC 31 1981

Department of Water Resources
Northern District Office
Northern District Office

A. Kenneth Dunn
XXXXXXXXXXXX

December 18, 1981

Mr. John F. Tenold
Attorney at Law
Building N-2 Spokane Industrial Park
N. 3808 Sullivan Rd.
Spokane, Wa. 99216

Re: 95-4484 Pilot Rock Development Assn.
(Formerly 95-8142)

Dear Mr. Tenold:

Enclosed is a copy of Pilot Rock Development Association's Claim to a Water right which was mistakenly numbered and advertised as an Application for Permit.

This claim is Pilot Rock Development Association's sworn statement of what they claim their existing water right is; namely, 1,440 gallons of water per day (which was advertised as 0.02 cubic feet per second) taken from a spring located in G.L. 5 Sec. 35 T49N R4W, Kootenai County, and used for Domestic (4homes) and Stockwater (5 horses) purposes from January 1 to December 31, in G.L. 5 Sec. 35 T49N R4W, Kootenai County. They are also claiming that this water was used for the above purposes since 1907. The filing is not for the purpose of proposing a use of water which they claim does not already exist.

The Idaho Code does not provide for protests to Claims to Water Rights. You may, however, file an exception in letter form indicating why you take exception to the claim. This exception will be kept in our files and become a permanent part of the file.

This claim will be re-advertised in The Coeur d'Alene Press on December 24 and 31, 1981. If you have any questions please contact me at this office.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

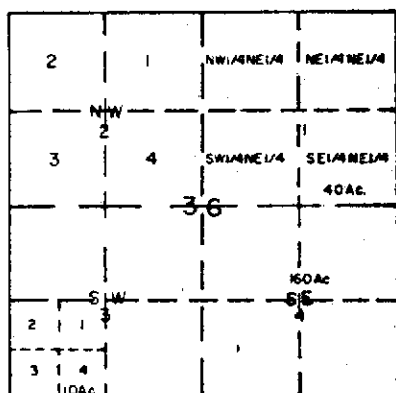
pms
Enc. - Claim

MICROFILMED

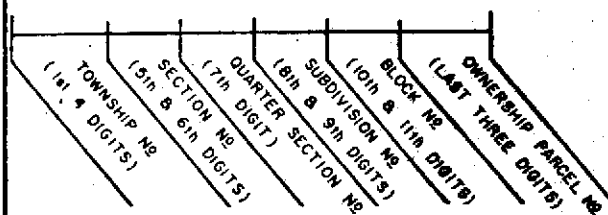
TOWNSHIP					
6	5	4	3	2	1
7	8	9	10	11	12
16	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

KOOTENAI COUNTY
IDAHO

SECTION NUMBER SYSTEM
IN STANDARD TOWNSHIP



QUARTER NAME AND NUMBER SYSTEM
IN STANDARD SECTION

[illegible]

↙ ¼ Corner

Gov't Lot 4
(33-3614)

CRESCENT BAY

MICROFILMED

PARK

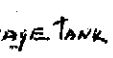
ROCK

PILOT

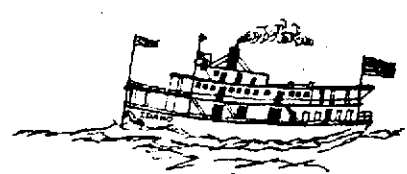
MICROFILMED

SCALE 1 inch = 100 feet

ot 4



Flow Through
K WATER



MICROFILMED

COEUR D'ALENE LAKE

5

PARK

ROCK

PILOT
MICROFILMED

SCALE 1 inch = 100 feet

LAW OFFICES OF *John F. Tenold*

December 15, 1981

JOHN F. TENOLD
RECEIVED
DEC 17 1981

Director
Idaho Department of Water Resources
4055 Government Way
Couer d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

Re: Application for Water Right, Number 95-8142

Dear Sir:

I represent the Crescent Bay Association, Inc., a not for profit corporation incorporated in the state of Idaho. This letter will serve as my client's protest against the granting of the above referenced permit application.

I note that the diversion point in the application is listed as lot 5, section 35 T 49 N R 04 West, Courtney County. My client holds water permit number 95-7829 on a spring located in lot 4 of the same section. The purpose of my client's protest is to ensure that application number 95-8142 is not referencing the same spring.

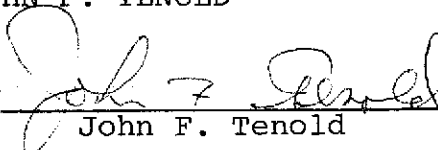
I will be out of town and unavailable between December 21, 1981, and January 4, 1982. It is therefore imperative that any hearings regarding this matter be held after January 4, 1982.

I am sending this letter by registered mail. Should there be any questions, please do not hesitate to give me a call.

Very truly yours,

JOHN F. TENOLD

By


John F. Tenold

pjw
cc: Ted Thompson
Certified

MICROFILMED

95-4484

PILOT ROCK DEVELOPMENT ASSN.

C/O R. F. GALLOWAY, 2430 S. HELENA CT., SPOKANE, WA 99203

Source: SPRING tributary to SINKS

Priority Date: 01/01/1907

Amount: 0.02 CFS

Diversion Point: LOT 05 Sec 35 T 49N R 04W, KOOTENAI Co.

Use: STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: LOT 05 Sec 35 T 49N R 04W

REPRODUCTION

PILOT ROCK DEVELOPMENT ASSN.

C/O A. F. GALLOWAY, 2430 S. HELENA CT., SPOKANE, WA 99203

Source: SPRING tributary to SINKS

Priority Date: 01/01/1907

Amount: 0.02 CFS

Diversion Point: LOT 05 Sec 35 T 49N R 04W, KODTENAI Co.

Use: STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: LOT 05 Sec 35 T 49N R 04W

MICROFILMED