

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 11 1974

Department of Water Resources
Northern District Office
being first duly sworn

NOTICE OF CLAIM TO A WATER RIGHT

NO. 195-4312

Notice is hereby given that G. H. &/or Byrdene Spears, 939 LaCrosse Ave., Coeur d'Alene, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from Un-named Springs with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (3 points), Sec. 8, T. 50N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stockwatering purposes (0.02 cfs); and from March 15 to Nov. 15 for the irrigation of five acres (0.10 cfs) with a priority of 1904; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 50N, R. 4W, B.M.

An exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Legal 384
October 3, 10, 1974.

STATE OF IDAHO, } ss.
County of Kootenai,

Carol Nedge

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 Claim

of which the annexed is a printed copy, was published in the regular issue of said newspaper for 2 consecutive weeks commencing on the 3 day of Oct, 1974, and ending on the 10 day of Oct, 1974 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.

Carol Nedge

Subscribed and sworn to before me this 10th day of October, 1974.

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

LEADER

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 G. H. &/or Byrdene Spears
(name of claimant)
of 939 LaCrosse Ave., Coeur d'Alene, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
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) Unnamed Springs
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	<u>0.04 cfs</u>	Use	<u>Domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.10 cfs</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>March 15</u>	To	<u>Nov. 15</u>
Amount	<u>0.02 cfs</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 0.10 cubic feet per second, or _____ acre feet
per annum, and/or 45 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1904

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)

(3 points) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8 Twp. 50N 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. Developed Springs with collection box and pipelines. One Spring is piped to the house and the others are piped to stockwater tank and irrigation.

(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 $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
50N	4W	8															5		5

Total No. of acres 5

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for horses. Domestic purposes for one household.

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

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(8) Remarks _____

[illegible]

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Kootenai) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 24TH day of

SEPT

, 19 74

x Brydner Jones
(Claimant)

Cecilia M. Roberts

Notary Public

Residing at

My commission expires SEPT. 11, 1976

For Department Use Only

15083

Received by JB Date 9/24/74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JB Date 9/24/74 claimant by: _____
\$10.00 fee received by JB Date 9/24/74
Approved for publication by JB _____
Published in COEUR D'ALENE PRESS _____
Dates 10-3 + 10-10-74 _____

Condominiums
Homes
Commercial
Acreage



Avondale Realty

Government Way & Haycraft
Route 4 Box 251
Coeur d'Alene, Idaho 83814
Telephone: (208) 667-4621
Ntikan Village: 772-5989

Coeur d'Alene, Idaho
April 26, 1974

Mr. H.G. Spears
939 LaCrosse Ave.
Coeur d'Alene, Idaho 83814

Re: Blackwell Hill property water
supply data existing on legal
description listed below.

Dear Sir:

Being a resident of this area for the past 28 years and having been engaged in real-estate sales and appraisal work during the past 16 years and having some knowledge of the property described below for all of this time, I find the following facts to be essentially correct.

LEGAL DESCRIPTION FROM COUNTY RECORDS IS; A part of the S.W. $\frac{1}{4}$ of ^{SE $\frac{1}{4}$} Sec. #8, Twp. 50N. R.4 W.B.M./ Also a part of the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. #17, said Twp. Kootenai County, Idaho more particularly described as follows: Beginning at a point marked by an iron pipe, which pipe bears S 89 degrees 57' E. 2999.91' from the S.W. cor. of Sec. #8, said Twp; thence N. 12 degrees 28' E. 477.6' to an iron pipe; thence S. 11 degrees 40' W. 453' to an iron pipe; thence N. 85 degrees 19' W. 112' along the N. right of way line of the County road; thence N. 80 degrees 57 $\frac{1}{2}$ ' W. 460.5' along said N. right of way to a fence corner; thence N. 12 degrees 28' E. 1' to the place of beginning. END OF LEGAL DESC.

Up to about ten years ago an old farm house stood about 40' N.E. of the present modern, 3 bedroom home and the appearance and design of this structure indicated that it had been built about sixty or more years prior to ten years ago.

Diligent investigation by contact with relatives and past owners in at least three ownerships indicates that the domestic water supply came from a spring fed well commonly called an artesian well and that this same source has furnished the domestic water on this homesite continuously for about seventy years.

According to my findings, at least two more springs furnish an abundant supply of irrigation water and livestock drinking water on this property and for the same period of time.

In hopes that this letter will serve your purposes, I remain,

Sincerely,

Tom Dotzler
Tom Dotzler, Realtor-Appraiser



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STATE OF IDAHO,
County of Kootenai, } ss.

TO A WATER RIGHT NO. 195-4312

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The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stockwatering purposes (0.02 cfs); and from March 15 to Nov. 15 for the irrigation of five acres (0.10 cfs) with a priority of 1904; the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 50N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON
Director

Legal 304
October 11, 1974

Carol Nedge

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 Claim

of which the annexed is a printed copy, was published in the regular issue of said newspaper for consecutive *three* consecutive *weeks* commencing on the *3* day of *Oct*, 19*74*, and ending on the *10* day of *Oct*, 19*74* 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.

Carol Nedge

Subscribed and sworn to before me this *10th* day of *October*, 19*74*.

Roberta M. Anley

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

LEADER

RECORDED

RECEIVED
October 7, 1983

RE: Claim to a Water Right No. 96-4312

John H. & Carol B. Wheeler
W. 582 Hayden Ave.
Hayden Lake, ID 83835

Dear Mr. and Mrs. Wheeler:

We are in receipt of your letter dated September 22 and the copy of your warranty deed.

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

I have filed your letter and warranty deed in the claim file for future reference. Enclosed is a copy of the claim for your records.

If we can be of any further assistance to you, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosure

RECEIVED
OCT 4 1983
Department of Water Resources

RECEIVED
OCT 25 1983
Department of Water Resources
Northern District Office

John H. Wheeler
Carol B. Wheeler
W. 582 Hayden Avenue
Hayden Lake, Idaho 83835

September 22, 1983

State of Idaho
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83835

Dear Sirs:

In regards to water right # 95-4312 - which is filed in the name of
G.H. Spears.

I am purchasing the property that these springs are located on. I
would like to have the water rights transferred to my name. Enclosed
is a copy of the warranty deed on this parcel.

What needs to be done to change the name on this water right #95-4312.
Please advise.

Thank you,

Carol B. Wheeler

Carol B. Wheeler

870693

WARRANTY DEED

BOOK 311 PAGE 782

For Value Received GUY HARRIS SPEARS, SR. and FRANCES BYRDENE SPEARS, husband and wife

the grantor s. do hereby grant, bargain, sell and convey unto JOHN H. WHEELER and CAROL B. WHEELER, husband and wife, W. 770 Hayden Ave. H.C.

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

A part of the Southwest Quarter of the Southeast Quarter of Section 8, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, State of Idaho, and also a part of the Northwest Quarter of the Northeast Quarter of Section 17, said Township and Range, Kootenai County, State of Idaho, more particularly described as follows:

BEGINNING at a point which is on an old fence line and one foot North of the County road right of way fence which point bears South 89°57' East, 2999.9 feet more or less from the Southwest corner of said Section 8; thence, North 12°28' East, 537.6 feet along the old fence line to a fence corner; thence, South 79°11' East, 450.45 feet along a fence line to a fence corner; thence, South 11°32' West, 524.7 feet more or less along the fence line to the North right of way fence line of the County road; thence, North 80°57 1/2' West, 460.5 feet along said right of way line to a fence corner; thence; North 12°28' East, one foot to the PLACE OF BEGINNING.

RESERVING UNTO GRANTORS, JOINTLY AND INDIVIDUALLY, a life estate in said premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

EXCEPT EASEMENTS AND ENCUMBRANCES OF VIEW AND OF RECORD

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

Dated: March 23rd, 1981

Guy Harris Spears Sr.
GUY HARRIS SPEARS, SR.

Frances Byrdene Spears
FRANCES BYRDENE SPEARS

STATE OF IDAHO, COUNTY OF Kootenai

On this 23rd day of March, 1981, before me, a notary public in and for said State, personally appeared GUY HARRIS SPEARS, SR. and FRANCES BYRDENE SPEARS, husband and wife.

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at Clare
Comm. Expires life

Notary Public
, Idaho

STATE OF IDAHO, COUNTY OF Kootenai

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

Charles Dodson

at this 19 minutes past 9 o'clock a.m., day of 19, in my office, and duly recorded in Book 311 Page 782 of Deeds at page

CAROL DEITZ

Ex-Officio Recorder

By

Aminda Rice

Deputy.

Fees \$ 2.00

Mail to:

P.O.B. x 1237

CDA

INSTRUMENT NO

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 22, 1974

Re: Claim to a Water Right No. 95-4312

G. H. &/or Byrdene Spears
939 LaCrosse Avenue
Coeur d'Alene, ID 83814

Dear Mr. and Mrs. Spears:

The Department of Water Administration 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 this 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, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

MICROFILMED

September 27, 1974

Re: Claim No. 95-4311 - Carl R. Jamison
" " 95-4312 - G. H. &/or Byrdene Spears

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,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill Submitted 10-21-74 by P

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NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4312

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939 LaCrosse Ave., Coeur d'Alene, Idaho

~~has~~ ^{have} filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~ of water from Unnamed Springs

with point of diversion in the SW₁SE₄ (3 points), Sec. 8, T. 50N, R. 4W, B.M., Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.04 cfs) and stockwatering purposes (0.02 cfs); and from March 15 to Nov. 15 for the irrigation of five acres (0.10 cfs)

with a priority of 1904;

the place of use is within the SW₁SE₄, Sec. 8, T. 50N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 401 Front Ave., Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on Oct. 3 and Oct. 10, 1974

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**NOTICE OF CLAIM
TO A WATER RIGHT**

NO. 95-4312

Notice is hereby given that

G. H. &/or Byrdene Spears, 939

LaCrosse Ave., Coeur d'Alene,

Idaho have filed a claim to a

water right established by

diversion and application to

beneficial use of 0.10 cubic feet

per second of water from Un-

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points), Sec. 8, T. 50N, R. 4W,

B.M., Kootenai County.

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50N, R. 4W, B.M.

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the Idaho Department of Water

Resources, 401 Front Ave.,

Coeur d'Alene, Idaho, 83814.

R. KEITH HIGGINSON

Director

Legal 384

October 3, 10, 1974.

O.K.
10-10-74
CP