

PROOF OF PUBLICATION

RECEIVED

JAN 18 1973

STATE OF IDAHO,

SS.

County of Shoshone.

LEGAL NOTICE

NOTICE OF CLAIM TO A WATER RIGHT NO. 94-4008

Notice is hereby given that Idaho Water Company, P.O. Box 7488, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.5 cubic feet per second of water from Shields Gulch Creek, tributary to the Coeur d'Alene River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 48N, R. 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 566 families (Osburn and vicinity) with a priority of September 23, 1885; the place of use is for Osburn and vicinity.

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

R. KEITH HIGGINSON
Director

Dec. 28, 1972, Jan. 4, 1973

James Hackett

deposes and says:

That he is the Editor of the North Idaho Publishing Company, publishers of the North Idaho Press, a daily newspaper printed and published at Wallace, Shoshone County, State of Idaho, which said newspaper has a general circulation in said county, and has been continuously and uninterruptedly printed and published in said county during a period of twelve (12) consecutive months prior to the 28th day of December A.D., 1972. That the Legal Notice of which a complete and correct copy is herto attached, was first published in said newspaper in its issue dated the 28th day of December A.D., 1972 and published in Two (2) issues of said newspaper, the last publication thereof being in the issue dated the 4th day of January, A.D., 1973.

James S. Hackett

Subscribed and sworn to before me this

15 day of January, A.D., 1973

Chris Rounselle

Notary Public for the State of Idaho
residing at Wallace, Idaho

My commission expires September 25, 1973

94 4008

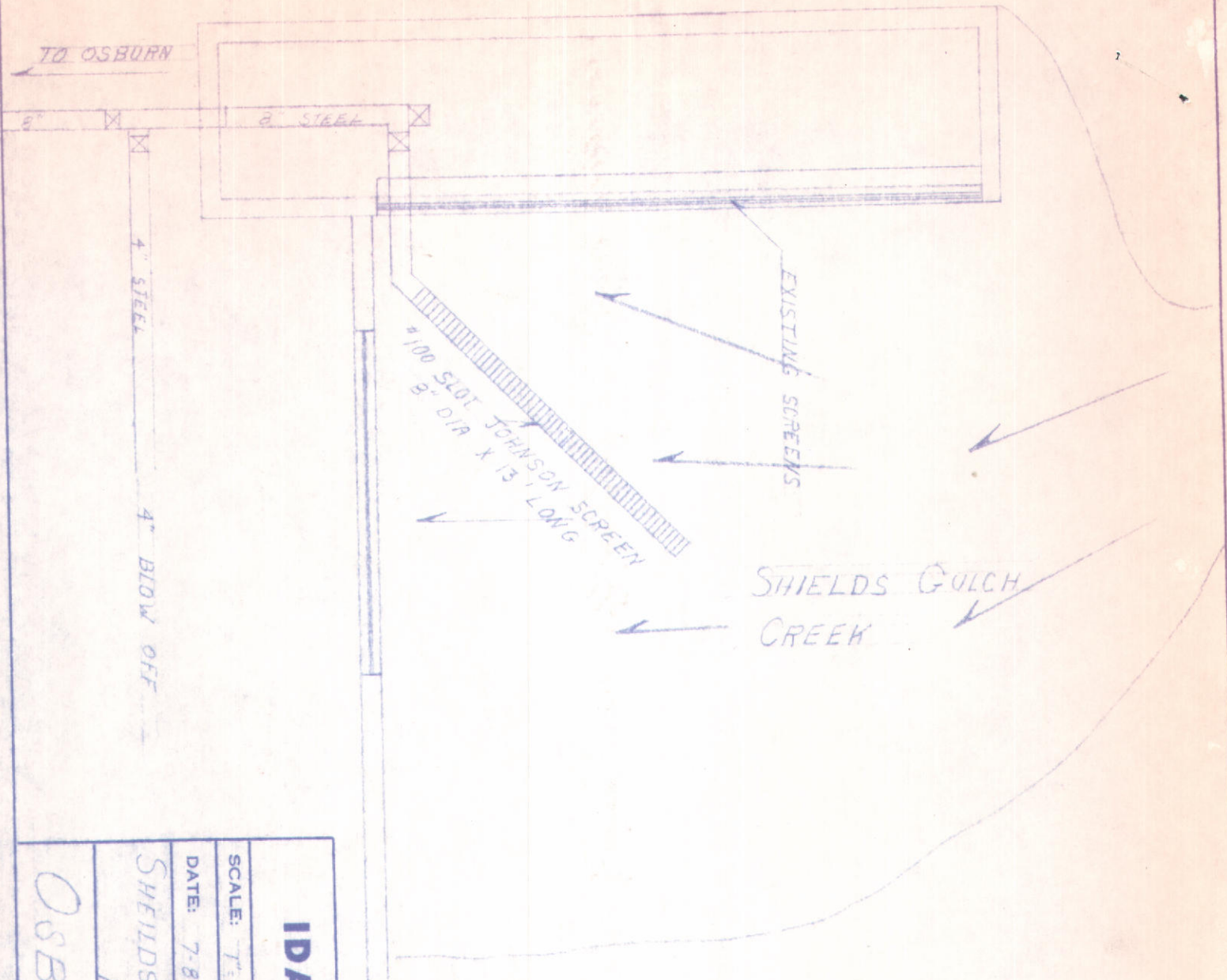


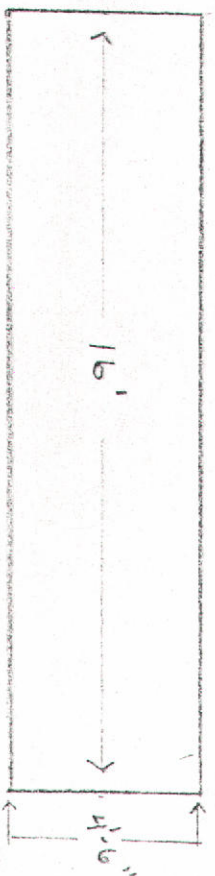
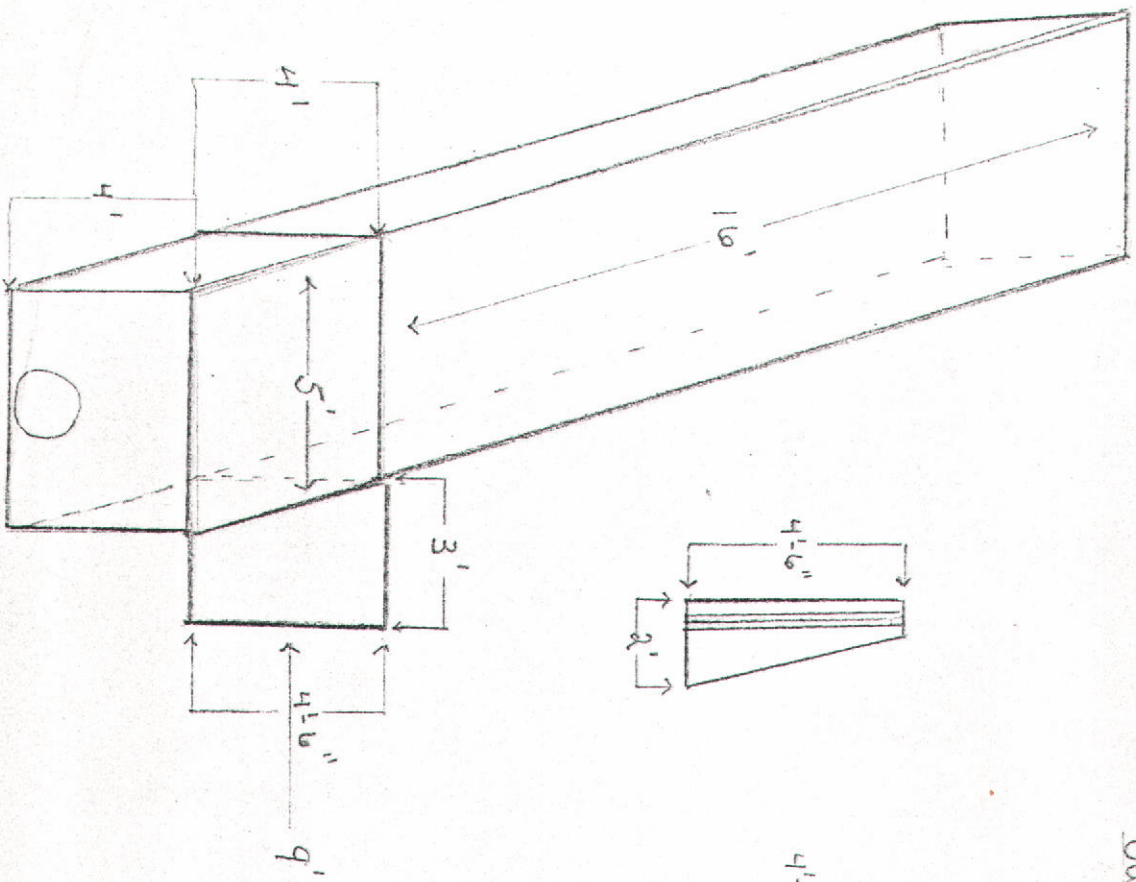
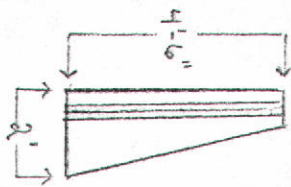
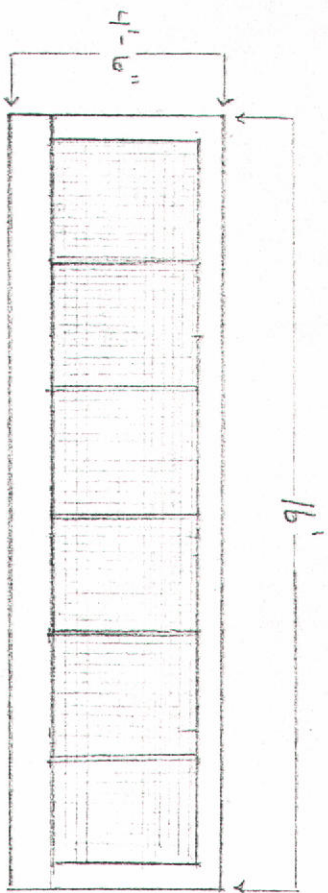
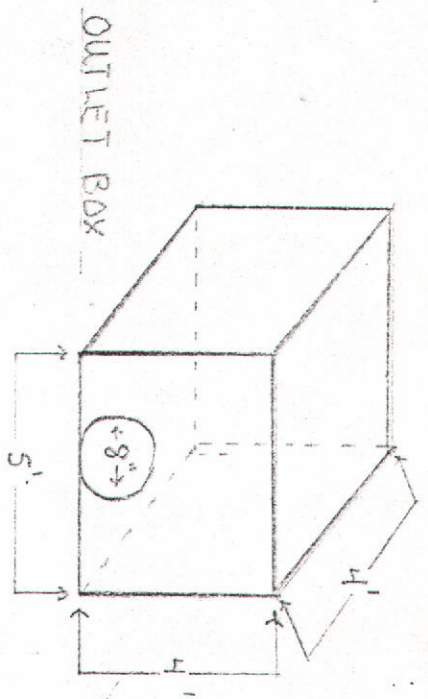
Exhibit " 1 "

"AS BUILT"

34 4008

IDAHO WATER COMPANY

SCALE: 1" = 4'		APPROVED BY:		DRAWN BY: DRJ	
DATE: 7-8-70				REVISED:	
SHIELDS GULCH DAM IMPROVEMENT					
INFILTRATION SYSTEM					
OSBURN, IDAHO				DRAWING NO.	
				0-9-70	



94 A008

Shields Gulch

DAM

SCALE - 1/4" = 1' DECEMBER, - 1969

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COMPARED

DEEDS
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197282

IN THE PROBATE COURT OF THE COUNTY OF SHOSHONE, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)

No. 6864

OF)

MINNIE DUNKLE, deceased.)

DECREE SETTLING EXECUTORS' FIRST
AND FINAL ACCOUNT, AND DISTRIBUTING
ESTATE.

This matter came regularly on to be heard at 11 o'clock A.M., Mountain Standard Time, on the 18th day of August, 1964, before the Honorable Peter R. Dufresne, Judge of the above-entitled court, at the courtroom of said court, in the Shoshone County Courthouse in the City of Wallace, Shoshone County, Idaho, upon the First and Final Account of the Executors of said estate and their petition for distribution.

Both of said executors, namely, D. D. Dunkle and William C. Peterson, appeared in person and were represented by their attorney, Chas. E. Horning.

Witnesses were duly called, sworn and examined in support of the facts and figures alleged in said account, and it appearing to the satisfaction of the undersigned, Judge of said court, from the testimony of said witnesses and from the records and files herein:

That the said Minnie Dunkle, the above named deceased, died on October 2, 1963, leaving a non-intervention last will and testament which was admitted to probate in the above entitled Court on November 18, 1963, and that on the same date said petitioners were duly appointed executors of said will and that they have been serving as such since that time.

That upon the appointment of said petitioners as such executors they caused notice to creditors to be published as required by law and as directed by this Court and that proof of the publication of such notice is on file herein as also is a decree of

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COMPARED

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this Court to the effect that due notice to creditors was given, That the time allowed by law for the presentation of creditors' claims has long since expired, and that all claims of creditors which were ever presented have been paid in full.

That on February 18, 1964, an inventory and appraisement of said estate was filed herein, and that on March 12, 1964, a decree was duly made and entered herein by this court to the effect that said estate was solvent.

That said petitioners have paid out of the funds of said estate the sum of \$1,958.55, as inheritance or transfer tax, to the Inheritance Tax Division of the State of Idaho, of which amount the sum of \$939.21 was paid upon the value of the portion of said estate which will be inherited or transferred to said petitioner, D. D. Dunkle, and that said last mentioned amount will upon the distribution of said estate be deductible from the said D. D. Dunkle's share of said estate, as provided by Section 14-413, Idaho Code. That the balance of said inheritance or transfer tax was paid upon the value of the portion of said estate which will be distributable to said petitioner, William C. Peterson, the only other legatee or devisee named in said will.

That said decedent and petitioner, D. D. Dunkle, were the joint owners of the following described real and personal property, each of them owning an undivided one-half interest therein, to-wit:

Personal property:

One 1950 model Willys Jeep

One 1950 model John Deere Tractor (Model M)

Checking account in the First National Bank of Wallace, Idaho, carried in the name of "Dunkle Gardens", in which at the time of the decedent's death there was a balance in the amount of \$4,720.66.

COMPEARED

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Real Property:

A water distribution system commonly known as "Dunkle Gardens Water System", consisting of water rights on the stream in Shields Gulch near the Village of Osburn, Shoshone County, Idaho, and a system of main pipelines and service pipelines and other facilities by means of which water is served to numerous customers residing in or near said Village of Osburn.

Lots 1 thru 21 in Block 3 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 8 and the West one-half of Lot 9 in Block 5 in Dunkle's Third Addition to the Town (now village) of Osburn, Shoshone County, Idaho.

Lots 4 through 16 in Block 6 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

All of Block 7 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1 through 6 in Block 8 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1 through 6 in Block 9 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

That portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19 and Tax No. 18, the same being a portion of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 48 N., R. 4, E.B.M., which has not been platted, consisting of 43 acres more or less, a more definite description of which will be furnished at the hearing upon this account.

Lot 8 in Block 1 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon.

That as hereinabove stated the balance in said Dunkle Gardens checking account was \$4,720.66 as of the date of the death of said decedent, one-half of which belonged to said decedent and one-half of which belonged to petitioner, D. D. Dunkle. That since the death of said decedent, and up to the date of said account

COMPARED

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(July 24, 1964) said petitioners have deposited in said account the sum of \$3,051.10, and have disbursed out of said account a total of \$1,416.44 in payment of taxes and other expenses incurred in connection with the operation of said Dunkle Gardens Water System, and that as of the date last mentioned there was a balance of \$3,690.72 in said checking account which, after charging against petitioner, D. D. Dunkle, all of his withdrawals from said account, should be distributed as follows:

To Petitioner William C. Peterson-----\$1,526.57

To Petitioner D. D. Dunkle-----\$2,164.15

And that any and all additions, if any, to said checking account, less disbursements therefrom, between July 24, 1964, and the 18th day of August, 1964, should be distributed one-fourth to petitioner William C. Peterson, and three-fourths to petitioner D. D. Dunkle.

That said petitioners have heretofore converted into cash all of the U. S. Government Series E bonds listed on said inventory and appraisalment.

That said petitioners have also sold Lot 10 in Block 1 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon, for the sum of \$11,500.00 in cash.

That all costs and expenses of the administration of said estate, being the costs and expenses listed on pages 4 and 5 of said account, have been paid in full, except that no payment of executor's commission has been paid to petitioner, William C. Peterson, his share thereof having been waived by him.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that said account be, and it hereby is approved, allowed and settled and that all of the property of said estate remaining in the possession of said executors be, and it hereby is distributed as follows:

COMPEARED

DEEDS
BOOK

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To petitioner D. D. Dunkle:

All of decedent's undivided one-half interest in one 1950 Willys Jeep, and one Model "M" John Deere tractor, and all miscellaneous garden tools, machinery and equipment which was jointly owned by said decedent and the said D. D. Dunkle.

Cash in the amount of \$1,299.94 (being the sum of \$2,164.15, as explained on page "4" of this decree, plus the sum of \$75.00 collected in rentals from the small dwelling house which was devised by decedent to the said D. D. Dunkle and which was erroneously deposited by said executors in the Dunkle Gardens checking account in the First National Bank of Wallace, Idaho, less the sum of \$939.21 as reimbursement of said estate for the portion of the State inheritance tax which was paid by said estate and which is chargeable to the said D. D. Dunkle under the provisions of Section 14-413, Idaho Code).

All of decedent's right, title and interest (being an undivided one-half interest) in and to Lot 8, in Block 1 of Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and any and all other improvements situated thereon, and together also with all furniture and other contents of said house.

And to petitioner, D. D. Dunkle one-half, and to petitioner William C. Peterson one-half of the decedent's undivided one-half interest in all of the following described property, thus vesting in the said D. D. Dunkle an undivided three-fourths interest and in the said William C. Peterson an undivided one-fourth interest therein, to-wit:

That certain water distribution system which is commonly known as "Dunkle Gardens Water System", consisting of water rights on the stream in Shields Gulch near the Village of Osburn, Shoshone County, Idaho, and a system of main pipelines and service pipelines and other facilities by means of which water is served to numerous customers residing in or near said Village of Osburn,

Lots 1 thru 21 in Block 3 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 8 and the West one-half of Lot 9 in Block 5 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

COMPARED

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Lots 4 thru 16 in Block 6 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

All of Block 7 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1 thru 6 in Block 8 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1 thru 6 in Block 9 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Those certain tracts of land situated in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and situated in the Northeast Quarter (NE $\frac{1}{4}$), of the Northeast Quarter (NE $\frac{1}{4}$), Section 19, and situated in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) Section 20, Township 48 North, Range 4, E.B.M., Shoshone County, Idaho, the exterior boundaries of which said tracts are described as follows:

Beginning at the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 19, Township 48 North, Range 4, E.B.M.; thence north on and along the west boundary of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 19 and continuing on and along the west boundary of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 19 to an intersection with the southerly boundary of the Union Pacific Railroad Company's right-of-way; thence southeasterly on and along the southerly boundary of said railroad right-of-way to corner No. 2 of Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho; thence South 40° 42' West 200.04 feet to corner No. 1 of said Dunkle's Third Addition to said Village of Osburn; thence South 43° 09' West 855.22 feet to the west quarter corner of Section 20, Township 48 North, Range 4, E.B.M.; thence west on and along the quarter section line to the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 19, Township 48 North, Range 4, E.B.M., the place of beginning, excluding from the area thus described all lands within the exterior boundaries of said Dunkle's Third Addition to said Village of Osburn, as the same is described on the official plat thereof on file and of record in the office of the County Recorder of Shoshone County, Idaho, reference to which said plat is hereby made.

COMPARED

DEEDS
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And to the said William C. Peterson all the rest, residue and remainder of said estate, including the decedent's 1952 Buick automobile and including any and all money on deposit in either checking or savings accounts, in any bank or banks, in the name of Minnie Dunkle or in the name of Estate of Minnie Dunkle, deceased, as well as all money which shall remain on deposit in said Dunkle Gardens checking account in the First National Bank, of Wallace, Idaho, after the payment of the sum of \$1,299.94 to the said D. D. Dunkle out of said checking account, as provided on page 5 of this decree.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED, that in accordance with the last will and testament of said decedent the said D. D. Dunkle shall have the complete management of said "Dunkle Gardens Water System" so long as he shall continue to own an interest therein and so long as he shall desire to continue as the manager of said water system.

DATED August 18, 1964.

PETER R. DUFRESNE

Probate Judge

CERTIFICATE

STATE OF IDAHO
COUNTY OF SHOSHONE SS.

I, Peter R. Dufresne, Probate Judge and Ex-Officio Clerk of the Probate Court of Shoshone County, State of Idaho, do hereby certify that the within and foregoing instrument is a true and correct copy of the original instrument on file and of record in my office in Wallace, Shoshone County, Idaho.

Witness my hand and seal of this Court this 18th

day of August, 1964.

Peter R. Dufresne
Ex-Officio Clerk

State of Idaho
County of Shoshone SS.

This instrument was recorded at the request of
Chas. E. Horning at 11:45 A.M.

on August 18, 1964

ANNA K. BATTICK, County Recorder

Fee \$ 5.00 By Andrea Hall Deputy

Return to: Chas. E. Horning
Attorney at Law
Wallace, Idaho

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COMPARED

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BOOK

IN THE PROBATE COURT OF THE COUNTY OF SHOSHONE, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)

No. 7332

X OF)

D E C R E E

CLARA DUNKLE, deceased.)

Darwin D. Dunkle, having on the 8th day of February, 1967, presented and filed herein his verified petition under Section 14-114, Idaho Code, as amended, praying for a decree of this court adjudging that said petitioner and the said Clara Dunkle, deceased, intermarried at Wallace, Idaho, on January 4, 1919, and that at all times from and after said date they continued to be husband and wife until the death of the said Clara Dunkle; that the said Clara Dunkle died intestate in the City of Wallace, Shoshone County, Idaho, on January 27, 1967; that during their coverture said petitioner and the said Clara Dunkle acquired certain real and personal property in said petition fully set out and hereinafter fully described, and that all of said property was the community property of said petitioner and the said Clara Dunkle at the time of the latter's death; and

Said matter having come regularly on for hearing before the above entitled court at the hour of 2:00 o'clock, p.m., Mountain Standard Time, on the 20th day of February, 1967, pursuant to due notice given by the Clerk of this court in the manner required by law and no one having appeared at said hearing to object to said petition or to the granting of the prayer thereof and no such objections having been filed; and

It having been satisfactorily shown to said court that there are no State or Federal inheritance taxes due or owing from the estate of the said Clara Dunkle and that each and all of the allegations in said petition are true and correct,

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COMPARED

DEEDS
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WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said petitioner, Darwin D. Dunkle, and said Clara Dunkle, deceased, intermarried in the City of Wallace, Shoshone County, Idaho, on January 4, 1919, and that they continued to be husband and wife until the death of the said Clara Dunkle on January 27, 1967; that during their coverture, to-wit, between the 4th day of January, 1919, and the said 27th day of January, 1967, the said petitioner, Darwin D. Dunkle, and the said Clara Dunkle, deceased, acquired the following described real property, to-wit:

The East One-half ($\frac{1}{2}$) of Lot Ten (10) and all of Lot Eleven (11) in Block Two (2) of Dunkle Gardens Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

That certain portion of Lot Nine (9) of Block One (1) of Dunkle Gardens Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, described as follows, to-wit:

Beginning at the Northwest Corner of said Lot 9; Thence on and along the northerly end line of said Lot 9 S. $50^{\circ} 02' E.$, a distance of 19 feet, more or less, to a point on said northerly end line of said Lot 9; Thence S. $39^{\circ} 28' 30" W.$, 80 feet to a point; Thence S. $50^{\circ} 02' E.$, to a point on the easterly side line of said Lot 9; Thence Southerly on and along said easterly side line of said Lot 9 to the Southeast Corner of said Lot 9; Thence Westerly on and along the Southerly end line of said Lot 9 to the Southwest Corner of said Lot 9; Thence Northerly on and along the Westerly side line of said Lot 9 to the Northwest Corner of said Lot 9, the place of beginning. The tract hereby described being all of said Lot 9 exclusive of that portion of said Lot which was conveyed to the Village of Osburn by that certain deed which is recorded in the office of the County Recorder of Shoshone County, Idaho, in Book "86" of Deeds at page 509, reference to which is hereby made.

Lot Eight (8) in Block One (1) of Dunkle Gardens Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho;

Together with all buildings and other improvements situated thereon.

and also the following described personal property, to-wit:

One (1) 1964 Chevrolet 4-door Sedan, Model No. 1669, Identification No. 41669L-153,054, Certificate of Title No. 1369713.

COMPARED

DEEDS
BOOK 124 PAGE 507

All household goods, furniture, furnishings and equipment situated in the dwelling house which was occupied by petitioner and said decedent in said Village of Osburn.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that during their said coverture said petitioner, Darwin D. Dunkle, and Clara Dunkle, deceased, acquired and at the time of the death of the said Clara Dunkle they owned an undivided three-fourths (3/4) interest in and to all of the following described property, to-wit:

That certain water distribution system which is commonly known as "Dunkle Gardens Water System", consisting of water rights on the stream in Shields Gulch near the Village of Osburn, Shoshone County, Idaho, and a system of main pipelines and service pipelines and other facilities by means of which water is served to numerous customers residing in or near said Village of Osburn, together with all rights and privileges appurtenant to said water distribution system.

Lots 16, 17, 18 and 19 in Block 3 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 13, 14, 15 and 16 in Block 6 of Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 1 in Block 7 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1, 2, 3, 4, 5 and 6 in Block 8 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1, 2, 3 and 6 in Block 9 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Those certain tracts of land situated in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and situated in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) Section 19, and situated in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) Section 20, Township 48 North, Range 4, E.B.M., Shoshone County, Idaho, the exterior boundaries of which said tracts are described as follows:

Beginning at the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 19, Township 48 North, Range 4, E.B.M.; thence north on and along the west boundary of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 19 and continuing on and along the west boundary of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 19 to an intersection with the southerly boundary of the Union

COMPARED

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Pacific Railroad Company's right-of-way; thence south-easterly on and along the southerly boundary of said railroad right-of-way to corner No. 3 of Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho; thence South 40° 43' West 288.64 feet to corner No. 1 of said Dunkle's Third Addition to said Village of Osburn; thence South 43° 00' West 385.32 feet to the west quarter corner of Section 20, Township 48 North, Range 4, E.B.M.; thence west on and along the quarter section line to the southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section 19, Township 48 North, Range 4, E.B.M., the place of beginning, including from the area thus described all lands within the exterior boundaries of said Dunkle's Third Addition to said Village of Osburn, as the same is described on the official plat thereof on file and of record in the office of the County Recorder of Shoshone County, Idaho, reference to which said plat is hereby made.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the aforesaid property and all thereof was the community property of the said Darwin D. Dunkle and the said Clara Dunkle at the time of the latter's death on said 27th day of January, 1967 and that on said last mentioned date the said Clara Dunkle died intestate and that no State or Federal transfer or inheritance tax is or will be payable from said estate.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the aforesaid real and personal property as hereinabove described be, and it hereby is distributed to the said Darwin D. Dunkle, the surviving husband of the said Clara Dunkle, deceased, and that all of the right, title and interest of the said Clara Dunkle, deceased, in and to said property be, and it hereby is adjudged to be vested in the said Darwin D. Dunkle.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be recorded in the office of the County Recorder of Shoshone County, Idaho, as provided by Section 14-114, Idaho Code, as amended.

DATED at Wallace, Idaho, this 20th day of February, 1967.

CERTIFICATE

STATE OF IDAHO)
COUNTY OF SHOSHONE)
(SEAL) I, Peter R. Dufresne, Probate Judge and Ex-Officio Clerk of said County, do hereby certify that the within and foregoing instrument is a true and correct copy of the original instrument filed and of record in my office in Wallace, Shoshone County, Idaho.

PETER R. DUFRESNE
Probate Judge

Witness my hand and seal of this Court this 20
day of February, 1967
Peter R. Dufresne
Ex-Officio Clerk

State of Idaho
County of Shoshone

This instrument was recorded at the request of
Chas. Horning at 2:20 P.M.
on February 20, 1967

ANITA E. BATTICK County Recorder

Fee \$ 4.50 by Sandra L. Bates Deputy

Witnessed by Chas. Horning
Attorney at Law
Wallace, Idaho

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COMPARED

DEEDS

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213691

WARRANTY DEED

INDENTURE, made this 28th day of September, 1967,
between Grantors, DARWIN D. ^XDUNKLE (also known and designated
as D. D. Dunkle), now and at all times since January 27, 1967,
a widower and a single man, of Osburn, Shoshone County, Idaho,
and WILLIAM C. ^XPETERSON, a bachelor, of Spokane, Spokane County,
Washington, doing business in Shoshone County, Idaho, under the
name of Dunkle Gardens Water System, and the Grantee, ^XIDAHO
WATER COMPANY, a corporation organized and existing under and
by virtue of the laws of the State of Idaho,

W I T N E S S E T H :

That Grantors, in consideration of the sum of Ten Dollars
(\$10.00), lawful money of the United States of America, and
other good and valuable consideration to them in hand paid by
Grantee, the receipt whereof is hereby acknowledged, have
granted, bargained and sold, and by these presents do grant,
bargain, sell, convey, transfer, assign, set over and confirm
unto Grantee, and to its successors and assigns forever, all
of the following described real and personal property, situated
in Shoshone County, State of Idaho, to-wit:

1. All of the waters of Shields Creek, a tributary of
the South Fork of the Coeur d'Alene River, in Evolution Mining
District, Shoshone County, State of Idaho, as more fully
described and set forth in the Notice of Location of Water
Right, made and posted on said stream by John D. Meyers and
W. L. Meyers on September 23, 1885, and recorded September 28,
1885, in Book "H" of Miscellaneous Records, Page 38, in the
County Recorder's office of said Shoshone County, State of Idaho,
reference to which is hereby made.

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COMPARED

DEEDS BOOK 126 PAGE 590

2. Those certain easements, rights and rights-of-way upon those certain tracts and parcels of real property, granted by Ernest F. Blum and Lola Maye Blum, husband and wife, to Ray C. Dunkle and Minnie Dunkle, husband and wife, and Darwin D. Dunkle and Clara Dunkle, husband and wife, by that certain Agreement and Easement dated April 13, 1950, recorded April 17, 1950, as Instrument No. 146480, in Book "J" of Agreements, at Page 96, Records of Shoshone County, Idaho, to construct and maintain water tanks and reservoirs and to lay, repair and maintain water pipelines on said tracts and parcels of real property, as more particularly set forth and described in said Agreement and Easement, reference to which is hereby made.

3. That certain easement, right and right-of-way upon that certain tract and parcel of real property, granted by Rainbow Mining & Milling Company, Ltd., an Idaho corporation, to D.D. Dunkle and R. C. Dunkle, by that certain Indenture dated July 1, 1952, recorded August 25, 1952, as Instrument No. 155361, in Book 86 of Deeds, at Page 500, Records of Shoshone County, Idaho, for the sole purpose of installing and maintaining an 8-inch pipeline over and across, in and upon said tract and parcel of real property, as more particularly set forth and described in said Indenture, reference to which is hereby made.

4. Lot Sixteen (16) of Block Three (3), Dunkles Third Addition to Osburn, Shoshone County, Idaho, as the same is numbered and designated on the official plat thereof filed in Book "X" of Plats at Page 167, Records of Shoshone County, Idaho, together with the water well on said property, 10" in diameter, steel casing, approximately 43 feet deep, with electric turbine pump, motor, piping, equipment and all other facilities of whatsoever kind attached to and/or used in connection therewith.

COMPARED

DEEDS
BOOK

126

PAGE 591

5. The entire water supply, water plant and water distribution system owned and operated by the Grantors, commonly known and designated as Dunkle Gardens Water System, in and about the Village (now City) of Osburn, Shoshone County, Idaho, and all water and water rights acquired by notice of location, appropriation, permit or beneficial use, owned and/or used in connection therewith, together with dams, wells, reservoirs, diversion works, tanks, flumes, conduits, pipelines, mains, transmission lines, services, meters and other equipment, appliances, appurtenances, and facilities, owned and/or used in connection with said Dunkle Gardens Water System, and all franchises, permits, certificates of convenience and necessity, consents, easements, rights and rights-of-way, appurtenant to and/or used in connection with said Dunkle Gardens Water System, and under which said System is or may be operated.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

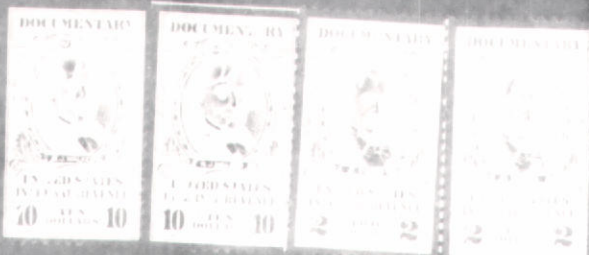
TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever, and the said Grantors, and their heirs, the said premises in the quiet and peaceable possession of the said Grantee, its successors and assigns, against the said Grantors, their heirs and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

94 4008

COMPARED

BOOK 126 PAGE 592

IN WITNESS WHEREOF, Said Grantors have hereunto set their respective hands and seals the day first above written.



Darwin D. Dunkle
DARWIN D. DUNKLE

William C. Peterson
WILLIAM C. PETERSON

STATE OF IDAHO)
County of Shoshone) ss



On this 28th day of September, 1967, before me, Betsy B. Rullman, a Notary Public in and for said State, personally appeared DARWIN D. DUNKLE, now and at all times since January 27, 1967, a widower and a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Betsy B. Rullman
Notary Public for the State of Idaho
Residing at Wallace, Idaho

STATE OF WASHINGTON)
County of Spokane) ss

On this 28 day of Sept, 1967, before me, William P. Devine, a Notary Public in and for said State, personally appeared WILLIAM C. PETERSON, a bachelor, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

William P. Devine
Notary Public for the State of Washington
Residing at Spokane, WASH.

State of Idaho)
County of Shoshone) ss

This instrument was recorded at the request of
The Idaho Water Co. at 3:10 P.M.
on September 28, 1967

ANNA K. BARTICK, County Recorder

Fee \$3.00 By Anna K. Bartick Deputy

Return to Idaho Water Company

Box 636
Kellogg, Idaho

94 4008

Identification No. 94-4008 *P*

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Idaho Water Company
post office address P. O. Box 7488, Boise, Idaho 83707

2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 19 Township 48N
Range 4E B.M. located on Shields Gulch Creek
(name of source)

tributary to Coeur d'Alene River in Shoshone County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

Original Claim in 1885 by _____	amount: _____	c.f.s. or _____	acre feet
John D. Meyers & _____	amount: _____	c.f.s. or _____	acre feet
W. L. Meyers _____	amount: _____	c.f.s. or _____	acre feet
September 23, 1885	total claimed <u>3.5</u>	c.f.s. or _____	acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Domestic</u>	period of use from <u>January 1</u>	to <u>December 31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Concrete dam
_____ ; length is 28' feet; height is 4' 6" feet;
width at bottom is 2' feet; with at top is 1' feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

c. Conveying works: length of ditch to place of use is N.A. feet; width of ditch at top is N.A. feet; width of bottom of ditch is N.A. feet; depth of water is N.A. feet; grade of ditch per 1000 feet is N.A. feet; material through which ditch passes is N.A.; maximum length of pipe line to first place of use is 2765' to Shields Gulch Control Bldg. feet; diameter of pipe line is _____ inches; type of pipe 735' A.C. Pipe _____; grade of pipe per 1000 feet is Ave. = 162'/1000 143' Steel Pipe _____; Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible 1330' Wood Pipe Original point of diversion was 2688 downstream from existing diversion point. Water was conveyed into the easterly portion of the City of Osburn through approximately 1200' of 4" steel main for domestic purposes.

d. If water is stored: name of reservoir Shields Gulch Reservoir;
total capacity of reservoir is 3000 Gal. acre feet; active capacity of reservoir is N.A. acre feet;
year construction commenced 1952; year completed 1952; date first used 1952
period of storage is from N.A. to N.A.; is reservoir drained each year N.A.;
is reservoir on or off stream on explain Intake structure is used to hold water
over the intake pipe, however during low flow periods intakes receive entire
amount of creek flow.
if feeder canal is used give maximum carrying capacity N.A. c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions N.A.

has there been any enlargement of the reservoir since it was first built No, if so, give dates and describe _____

[illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

N.A.

- b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) N.A.
6. Where water is used for stock watering, give number of each kind of stock watered N.A.
7. Where water is used for domestic or municipal purposes give number of families served 566
name of town supplied Osburn and surrounding area
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
WATER USE: All water applied for is used for a potable water supply for the City of Osburn and surrounding area. Conveyed through 2675' of 8" pipe to an 18,000 storage tank thence through approximately 2000 feet of a 6" wood main into the City of Osburn and surrounding area.
DIVERSION STRUCTURE: Prior to 1970 the existing intake was composed of an open 8" pipe protruding into a diversion box separated from the stream flow by a screen 16' x 3' in dimension with 3/8" screen openings. (See attached drawing "Shields Gulch Dam", 1969.) In 1970 a Johnson screen 8" in diameter and 13' long was placed under the stream bed in close proximity to the face of the diversion structure and is presently being used as the intake. (See attached drawing #0-9-70)

State of Idaho

County of Ada

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.

IDAHO WATER CO.

[Signature] President
Claimant

Sworn to before me this 30th day of November, 19 72.

[Signature]
Notary Public

Residing at Boise, Idaho

My commission expires _____

For Department Use Only

Received by CR Date 12-8-72

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by FE Date 12/11/72

Fee received by FE Date 12/14/72 Fee \$ 10.00

Approved for publication by FE 12/14/72

Published in NORTH IDAHO PRESS Dates 12-28-72

64 4008

Jan 26 - 1913
Jf

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

STATE OF IDAHO,

ss.

County of Shoshone.

PROOF OF PUBLICATION

LEGAL NOTICE

NOTICE OF CLAIM TO A WATER RIGHT NO. 94-4008

Notice is hereby given that Idaho Water Company, P.O. Box 7488, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.5 cubic feet per second of water from Shields Gulch Creek, tributary to the Coeur d'Alene River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 48N, R. 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 566 families (Osburn and vicinity) with a priority of September 23, 1885; the place of use is for Osburn and vicinity.

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

R. KEITH HIGGINSON
Director

Dec. 28, 1972, Jan. 4, 1973

James Hackett, being first duly sworn,
deposes and says:

That he is the Editor of the North Idaho Publishing Company, publishers of the North Idaho Press, a daily newspaper printed and published at Wallace, Shoshone County, State of Idaho, which said newspaper has a general circulation in said county, and has been continuously and uninterruptedly printed and published in said county during a period of twelve (12) consecutive months prior to the 28th day of December A.D., 1972. That the legal notice of which a complete and correct copy is herto attached, was first published in said newspaper in its issue dated the 28th day of December A.D., 1972 and published in two (2) issues of said newspaper, the last publication thereof being in the issue dated the 4th day of January A.D., 1973.

James S. Hackett

Subscribed and sworn to before me this
15 day of January, A.D., 1973

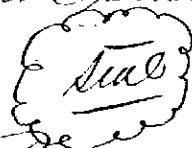
Chris Rounselle

Notary Public for the State of Idaho
residing at Wallace, Idaho

My commission expires September 25, 1973

94 4008

described in and who signed the foregoing Deed as grantor,
and who acknowledged to me that they signed & executed the
same freely and voluntarily for the uses and purposes therein
expressed. In Witness Whereof I hereunto set my hand and
official seal, the day and year first above written.



W. N. Wallace
Notary Public

Recorded at the request of P. M. Kenzie Nov 13th 1886 at 12 M.

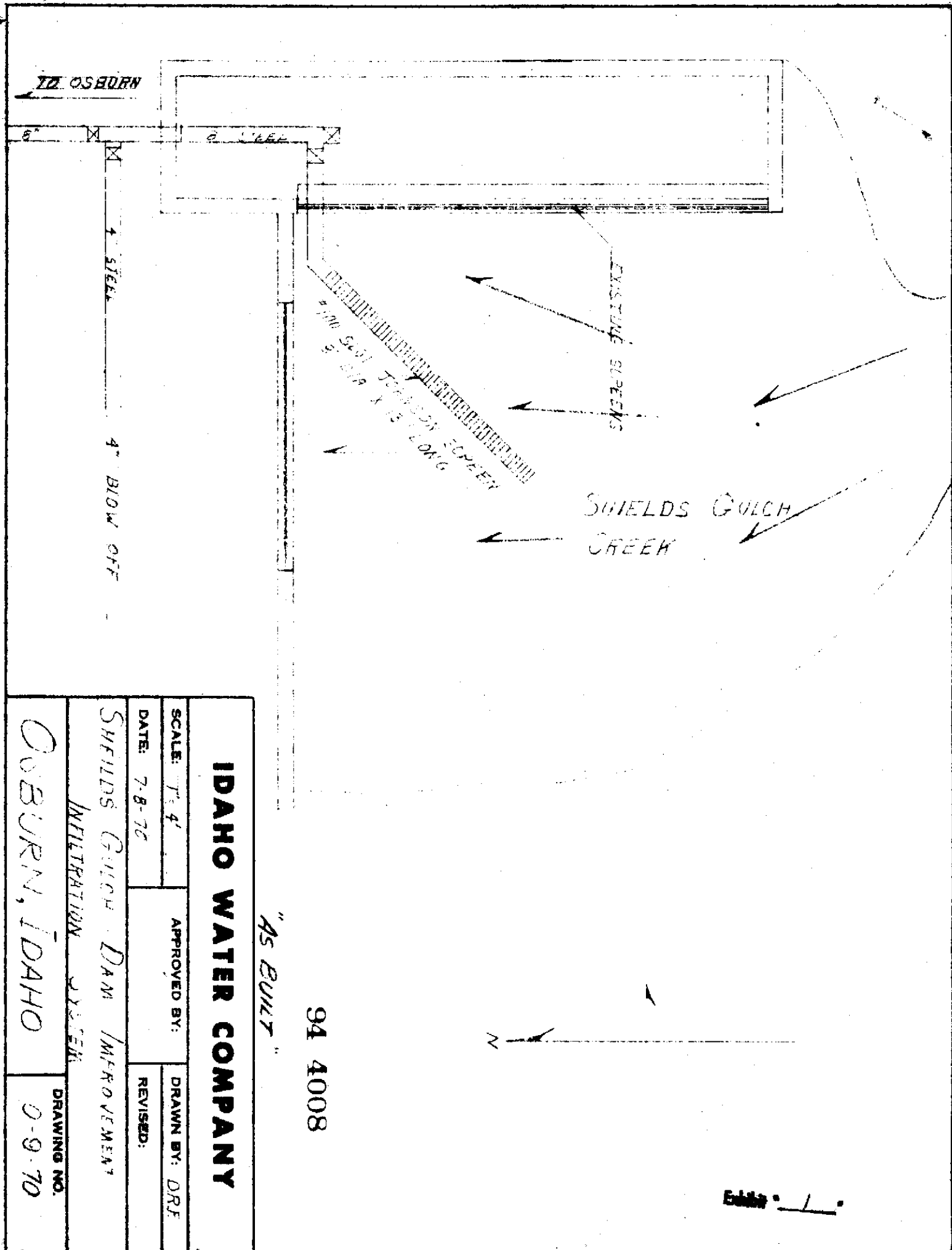
Thos. M. Leland
County Recorder

Notice of Location of Water Right

Notice is hereby given that the undersigned citizens of the United States claim by prescription the waters of this Shields Creek a tributary of the south fork of the Coeur d'Alene River in Evolution Mining District Shoshone County Idaho Territory to be diverted from said stream at or near its mouth 1000 inches of water to be conveyed by ditch or flume from said point of diversion to the ranch of John and W L Meyers about one mile below the mouth of McFarraus Gulch Located this 23rd day of Sept 1885
Notice posted on stream same day

John D Meyers } Locators
W L Meyers }

Filed for record sept 28th 1885 at 11 AM at request of John D Meyers
Thos C McCalland
County Recorder



IDAHO WATER COMPANY

"AS BUILT"

94 4008

SCALE: 1" = 4'

APPROVED BY:

DRAWN BY: DRF

DATE: 7-8-70

REVISED:

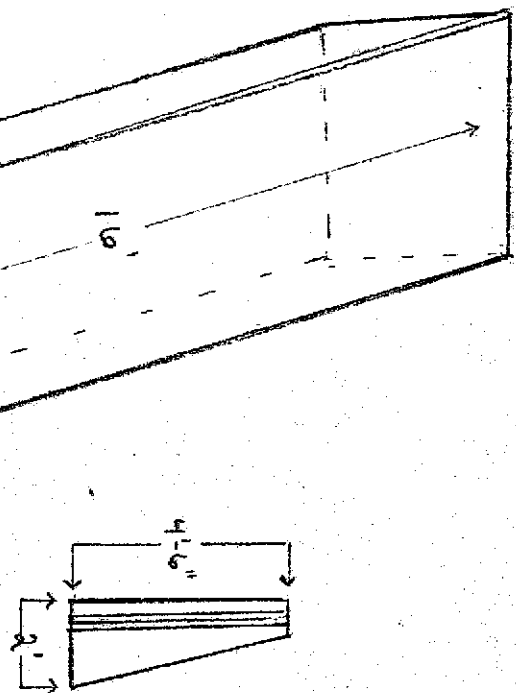
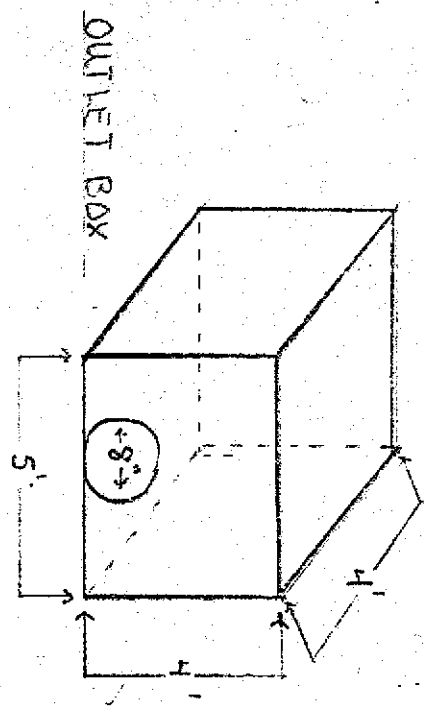
SHEILDS GULCH DAM IMPROVEMENT

INFILTRATION SYSTEM

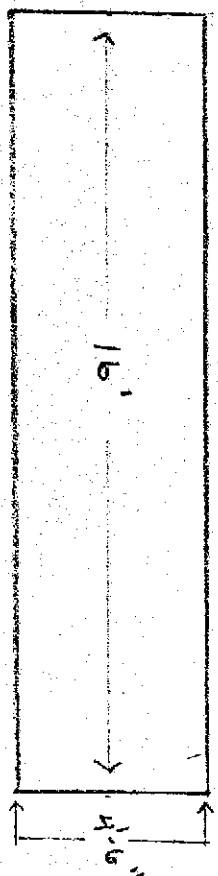
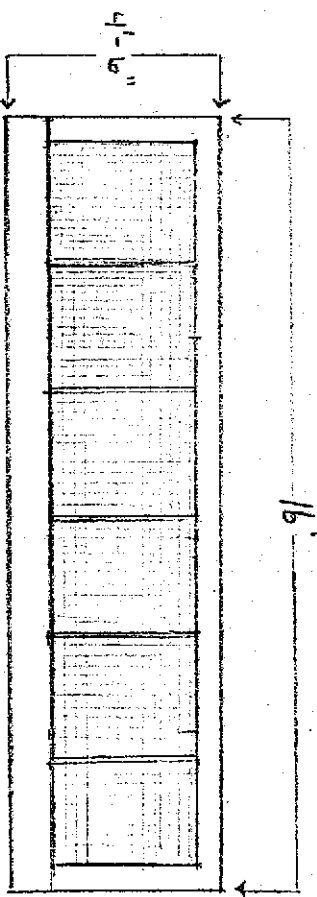
OSBURN, IDAHO

DRAWING NO.

0-9-70



SCREEN INTAKE



GA 4008

Shields Culch

DAM

SCALE 1/4" = 1' DECEMBER, 1909

M.P.

(2)

John D. Myers
W. L. Myers

To

Thomas Reynolds

This Indenture, made the first day of
November, In the year of our Lord one
thousand eight hundred and eighty six.

Between John D. Myers and W. L. Myers parties of the first part, and Thomas Reynolds party of the second part, (all of Shoshone County, Territory of Idaho. Witness That the said parties of the first part, for and in consideration of the sum of One Dollar lawful money of the United States of America and other valuable considerations, In hand paid by the said party of the second part the receipt of which is hereby acknowledged, have granted, bargained, sold, remised, released and forever quitclaimed, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all of the water in Shields Creek, a tributary of the South Fork of the Conewalla River in Evolution Mining District, Shoshone County, Territory of Idaho, as more fully described and set forth in Location Certificate, Recorded in Book H. of Miscellaneous Records page 38, in the County Recorder's Office of said above county. Together with all the rights, privileges and franchises thereto incident, appurtenant and appurtenances therewith usually had and enjoyed, and, also all and singular the rents, issues and profits thereof and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said parties of the first part, of in, and to said premises and every part and interest thereof with the appurtenances. To have and to hold all and singular the said premises together with the appurtenances and privileges thereto incident unto the said party of the second part his heirs and assigns forever, and it is expressly covenanted that it is intended hereby to convey any and all right, title, interest and estate which may hereafter be acquired to said premises, or any part thereof by virtue of any patent which may hereafter be issued by the United States Government, therefore, under proceedings heretofore instituted in that behalf. In Witness Whereof the said parties have hereunto set their hands and seals the day and year first above written.

Signed Sealed & delivered in Presence of

W. N. Wallace

Territory of Idaho

County of Shoshone

} es.

J. D. Myers

W. L. Myers

Seal

Seal

On this third day of November A.D. 1886
Before me a Notary Public in and for said County came J. D.
Myers and W. L. Myers personally known to me to be the persons

Instrument Number 401.

Warranty Deed

THIS INDENTURE, Made the 15th day of December, A. D. 1903, between Thomas Reynolds of the Town of Oslum, County of Shoshone and State of Idaho the party of the first part, and Edna M. Fenstermaker, wife of John B. Fenstermaker of Burke, Shoshone County, State of Idaho. the party of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do he by these presents, GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part, and to her heirs and assigns forever:

All of the water in Shields Creek, a tributary of the South Fork of the Coeur d'Alene River in Evolution Midget of District Shoshone County, State of Idaho, as now fully described and set forth in Location Certificate thereof, recorded in Book "H" of Miscellaneous Records, page 38 by the County Recorder of said Shoshone County, said location being made by John D. Myers and W. L. Myers on the 23rd day of September, A. D. 1885, and granted and conveyed by said factors to the said Thomas Reynolds, party of the first part, unto, by their deed dated November 1st 1886 and recorded in the Recorder's office of said Shoshone County, in Deed Book "L" page 49.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

To have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever. And the said party of the first part, and he heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said party of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in presence of

Walter A. Jones

L. Leighty

Thos. Reynolds (SEAL)

(SEAL)

STATE OF IDAHO,

County of Shoshone, ss.

On this 15th day of December, A. D. 1903, before

me L. Leighty a Notary Public in and for the said county personally appeared

Thomas Reynolds and Edna M. Fenstermaker (his wife), who is personally

known to me to be the person described in and who signed the within instrument, and who acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Wallace, Idaho the day and year in this certificate first above written.

{seal}

L. Leighty

Notary Public

Filed for record at the request of Edna M. Fenstermaker Feb. 3, 1904

at 2 o'clock P. M. in Book 23 of Deeds, page 117 Records of Shoshone County, State of Idaho.

Stanley P. Fairweather 94 4008 Recorder.
By Stanley P. Fairweather Deputy.

Book 47 Pg. 95

INSTRUMENT NUMBER 34130.

IN THE PROBATE COURT OF THE COUNTY OF SHOSHONE, STATE OF IDAHO.

In the Matter of the Estate of)
John B. Fenstermaker, Deceased.)

Decree Settling Final Account and
of Final Distribution of Estate.

The final account of Martha E. Fenstermaker, the administratrix of the estate of John B. Fenstermaker, Deceased, heretofore rendered and presented, coming on regularly to be heard this day, proof having been made to the satisfaction of the court that the clerk

had given notice of the settlement of said account in the manner and for the time heretofore ordered and directed by the court, and no objections being filed thereto, and it appearing that said account is correct, it is hereby ordered, adjudged and decreed that the said final account of the said administratrix be and the same is hereby allowed and approved and settled.

And the said final account having been accompanied by the petition of the said administratrix praying for the final distribution of the residue of the estate of the said John B. Fenstermaker, deceased, in the hands of the said administratrix, to the person entitled thereto, and the said petition now coming on regularly for hearing this day, and it likewise appearing that due and legal notice of such hearing has been given as directed by the order of this court heretofore made and entered herein; that no claims against the said estate have been presented to said administratrix; that the final account of said administratrix has been duly made and has been this day confirmed by this court; that all taxes due from said estate have been paid; that there is no transfer tax due the State of Idaho from said estate or the distributee thereof;

That the whole of the residue of said estate is the community property of said decedent and his surviving widow, Martha E. Fenstermaker, the said administratrix, who, as such survivor, is entitled to one half thereof;

That the said deceased died intestate, and his only heir at law is his said widow, the said Martha E. Fenstermaker, who is entitled to all of the said estate:-

It is therefore ordered, adjudged and decreed that all of the residue of the said estate be distributed to the said Martha E. Fenstermaker, the widow of said decedent;

That the property affected by this decree is described as follows, to wit: All that property described in the inventory and appraisal of said estate, on file in this court in said matter, a copy of which is hereto attached, marked "Exhibit A" and made a part hereof.

Dated this 25th. day of June, 1914.

Lawrence E. Worstell
Probate Judge.

Exhibit A.

INVENTORY AND APPRAISEMENT.

REAL ESTATE.

That certain tract or parcel of land situated in the County of Shoshone, State of Idaho, being a portion of the West Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of Section Twenty (20), Township Forty-eight (48) North, Range Four (4) East of Boise Meridian; and being a part or portion of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Nineteen (19), Township Forty-eight (48) North Range Four (4) East Boise Meridian, and being bounded and described as follows, to-wit:

Beginning at the Northwest corner of the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Section Twenty (20), Township Forty-eight (48) North, Range Four (4) E. B. M. and running thence south 1320 feet to the Southwest corner of the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$) of Sec. 20, Twp. 48 N., R. 4 E. B. M.; thence North $43^{\circ} 33'$ E. 836 feet along the west line of Hassard Ranch; thence S. $46^{\circ} 40'$ E. 356 feet to S.E. Corner fence; thence N. $23^{\circ} 40'$ E. 490 feet to N.E. Corner fence; thence N. $17^{\circ} 10'$ W. 160 feet along county road; thence N. $35^{\circ} 16'$ W. 175.1 feet along county road; thence N. $44^{\circ} 44'$ W. 513.5 feet along county road; thence N. $41^{\circ} 47'$ W. 380.2 feet along county road; thence N. $46^{\circ} 09'$ W. 371.8 feet along county road; thence N. $50^{\circ} 31'$ W. 488.5 feet along county road; thence N. $58^{\circ} 21'$ W. 205.5 feet along county road; thence N. $61^{\circ} 19'$ W. 282.8 feet along county road to a point at N. E. Corner of Reynold's home; thence S. $17^{\circ} 40'$ W. 474.5 feet to east line of Reynold's homestead; thence N. $50^{\circ} 47'$ W. 484.8 feet along south line of O R & N right of way; thence south 1102.7 feet to S. W. Corner of the N. E. Quarter ($\frac{1}{4}$) of Sec. 19, Twp. 48 N. R. 4 E. B. M.; thence east 1320 feet to the place of beginning, containing 55.304 acres, excepting the rights of way of the O R & N Co and the N P Ry Co., crossing the said piece of land; the S. E. Quarter of the N. E. Quarter of Sec. 19, Twp 48 N. R. 4 E. B. M., and a water right connected therewith, and described in a deed made by Thomas Reynolds to Edna M. Fenstermaker, dated December 3, 1903, and recorded in Book "23" of Deed at page 117 thereof of the Records of Shoshone County, Idaho.

Lot No. 1, Block 26, Osburn Townsite, Shoshone Co., Idaho,	\$ 7000.00
Lot No. 2, Block 26, Osburn Townsite, Shoshone Co., Idaho,	25.00
Lot No. 5, Block 26, Osburn Townsite, Shoshone Co., Idaho,	25.00
Lot No. 6, Block 26, Osburn Townsite, Shoshone Co., Idaho,	25.00
Lot No. 7, Block 26, Osburn Townsite, Shoshone Co., Idaho,	25.00
Lot No. 24, Block No. 13, of the City of Wallace, Shoshone County, Idaho,	3500.00

PERSONAL PROPERTY.

5000 shares capital stock, Big Elk Mining Company,	0.00
1500 shares capital stock, Silver Star Mining Company,	0.00
500 shares capital stock, Caledonia Mining Company,	100.00
2000 shares Klondyke Mining Company,	
2000 shares Sonora Mining Company,	
2000 shares Lombardy Mining Company,	

94 4008

Edna E. 5

Two horses,	200.00
Wagons,	50.00
Automobile,	500.00
Farming implements,	60.00
Household goods,	300.00

A promissory note, dated Jan. 31, 1913, made by John Warzeha and Julia Warzeha, and A. L. Nicholson, payable in six months, for \$200.00 with interest thereon at 12% per annum;

Face value, \$ 209.60

A promissory note dated Jan. 22, 1913, made by E. Cochran and Nellie J. Cochran and A. M. Strode, for \$200.00 payable in one year from date, with interest thereon at 12% per annum;

Face value, 210.20

A note made by G. O. Mortimer and Joseph F. Whelan, dated Feb. 19, 1913, for \$50.00 with interest thereon at 12% per annum, payable in six months from date,

Face value, 52.10

A note made by Irving Anderson and Leonard E. Hanson, dated Jan. 31, 1913, for \$400.00, payable in six months from date, with interest thereon at 10% per annum,

Face value, 416.01

A note made by Hattie Camphius and P. D. Camphius, dated July 17th, 1912, for \$125.00, payable in one year from date, with interest thereon at 10% per annum,

Face value, 136.79

A note made by Charles Haff and Bertha Haff dated Nov. 15, 1912, for \$150.00 payable in one year from date, with interest thereon at 10% per annum;

Face value, 159.16

A note made by Benj. Fox and Anna V. Fox, dated October 9, 1912, for \$200.00 payable in one year from date, with interest thereon at 10% per annum. (This note is secured by a mortgage on Lot 4, Block 9, Canyon Addition to Wallace, Shoshone County, Idaho.)

214.16

A note made by John H. Wourms, dated September 16, 1911, for \$800.00, payable in one year from date, with interest thereon at the rate of 10% per annum, on which note is an endorsement of \$80.00. (This note is secured by a mortgage on Lot 7 in Block 16, City of Wallace, Shoshone County, Idaho)

Face value, 861.99

A note made by Ole B. Olson and Mabel Olson, dated Sept. 30, 1911, payable in one year from date, for \$650.00, with interest thereon at 12% per annum on which there is an endorsement of \$78.00. (This note is secured by a mortgage on Lot 20 and West 10 feet of Lot 22 in Block 4, said City of Wallace, Shoshone Co., Idaho.)

Face Value, 707.42

A note made by Augusta Steffans, Alma Steffans, Walter Steffans and Adelaide Steffans for \$2000.00 dated July 26, 1912, payable in one year from date, with interest thereon at the rate of 10% per annum, on which there is an endorsement of \$1000.00 principal and \$100 interest, under date of Jan. 27, 1913. (This note is secured by a mortgage on Lots 21 and 22 in Block 22 of said City of Wallace, Shoshone Co., Idaho.)

Face value, 1041.65

PERSONAL PROPERTY (Continued).

A note made by C. R. Nims for \$103.50 dated April 7, 1913, payable in sixty days from date, with interest at 12% per annum. (This note is secured by a mortgage on two horses)

Face value, \$ 106.19

A note made by Alice E. Arthur for \$400.00 dated Dec. 6, 1912, payable twelve months from date with interest thereon at 10% per annum -- endorsement thereon of \$100.00 under date of May 24, 1913. (This note secured by a mortgage on Lot 9, Block 17 in said City of Wallace, Shoshone County, Idaho.)

Face value, 325.10

A note made by S. E. Bohon for \$200.00, dated December 12, 1912, payable ten days from date. No security.

Face value, \$ 2360.28

Cash in bank,

Total \$18,635.65

The above property was the community property of decedent and his wife, Martha E. Fenstermaker.

Endorsed: In the Probate Court of the County of Shoshone, State of Idaho. In the Matter of the Estate of John B. Fenstermaker, Deceased. Decree Settling Final Account and of Final Distribution of Estate. Filed this 25th. day of June, 1914. Lawrence E. Worstell; Clerk.

STATE OF IDAHO, COUNTY OF SHOSHONE) ss:

I, Lawrence E. Worstell, Probate Judge and Ex-officio Clerk of the Probate Court of the County of Shoshone, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the Decree Settling Final Account and of Final Distribution of the Estate of John B. Fenstermaker, Deceased, as the same appears on the files and of record in the records of said court.

In witness whereof, I have hereunto set my hand and affixed the Seal of said Probate Court this 25th. day of June, 1914.

(Seal of the)
(Probate Court)

Lawrence E. Worstell
Probate Judge and Ex-offi-
cio Clerk of the Probate
Court.

RECORDED at the request of Lawrence E. Worstell, June 27th, 1914, at 4 o'clock, P. M.

94 4008

:-o:-

John F. Shucky
County Recorder.
By Elmer Johnson, Deputy

5
VOLUME 61 OF DEEDS

INSTRUMENT NUMBER 80696

WARRANTY DEED

THIS INDENTURE, Made this 29 day of September, 1928 between Martha E. McGowen (formerly Martha E. Fenstermaker) and Thomas McGowen, her husband, parties of the first part and R.C. Dunkle, D.D. Dunkle and the successors in interest of M.A. Dunkle, now deceased parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns forever, all that tract or parcel of land, lying and being in the County of Shoshone, State of Idaho and described as follows, to-wit:

Being a part or portion of the west one-half of the northwest quarter of Section twenty (20), Township forty-eight (48) north Range four (4) east of Boise Meridian; and being a part or portion of the northeast quarter of the northeast quarter of Section nineteen (19), Township forty-eight (48) north Range four (4) east of Boise Meridian, and being bounded and described as follows, to-wit:

Beginning at the northwest corner of the southwest quarter of the northwest quarter of Section twenty (20), Township forty-eight (48) north Range four (4) east, and running thence south 1320 feet to the southwest corner of the southwest quarter of the northwest quarter of Section twenty (20) Township forty-eight (48) north Range four (4) east; thence north 43° 33' east 836 feet along west line of Hassard ranch; thence south 46° 40' east 356 feet to southeast corner fence; thence north 23° 40' east 490 feet to northeast corner fence; thence north 17° 10' west 160 feet along County road; thence north 35° 16' west 175.1 feet along County road; thence north 44° 14' west 513.5 feet along County road; thence north 41° 47' west 330.2 feet along County road; thence north 46° 09' west 371.8 feet along County road; thence north 50° 31' west 488.5 feet along County road; thence 58° 21' west 205.5 feet along County road; thence north 61° 19' west 282.8 feet along County road to a point at the northeast corner Reynold's home; thence south 17° 40' west 474.5 feet along east line of Reynold's homestead; thence north 50° 47' west 434.8 feet along south line O R & N right of way; thence south 1102.7 feet to southwest corner of the northeast quarter of the northeast quarter of Section nineteen (19) Township forty-eight (48) north Range four (4) east; and thence east 1320 feet to the place of beginning, containing 55.304 acres.

Excepting and reserving, however, therefrom the two rights of way running through said tract of land heretofore conveyed to the O R & N RR Co and the Northern Pacific Railway Co, respectively; also selling and conveying the southeast quarter of the northeast quarter of Section nineteen (19) in Township forty-eight (48) north of Range four (4) east of Boise Meridian, in Idaho, containing forty (40) acres.

Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and including all of the water of Shields' creek, a tributary of the South Fork of the Coeur d'Alene river in Evolution Mining District, Shoshone County, State of Idaho, as more fully described and set forth in Location Certificate thereof, recorded in Book "H" of Miscellaneous records, page 38, in the County Recorder's office of said Shoshone County; said location being made by John D. Meyers and W.L. Meyerson the 23rd day of September A.D. 1885 and granted and conveyed by said locators to the said Thomas Reynolds by their deed dated November 1st, 1886 and recorded in the Recorder's office of said Shoshone County in Deed Book "L", page 49.

It being the intention of the parties of the first part to convey and they do hereby convey to the parties of the second part, all of their right, title and interest of, in and to the said two railroad rights of way hereinbefore referred to, it being the intention to convey all of the same to the said parties of the second part, without warranting the title to said rights of way.

Also the southeast quarter of the northeast quarter of Section nineteen (19), in Township forty-eight (48) north of Range four (4) east of Boise Meridian, all in Shoshone County, Idaho.

TO HAVE AND TO HOLD the same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said parties of the second part, their heirs and assigns forever. And the said Martha E. McGowen (formerly Martha E. Fenstermaker) and Thomas McGowen, her husband, parties of the first part, for themselves, their heirs, executors and administrators, do covenant with the said parties of the second part their heirs and assigns, that they are well seized in fee of the lands and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid; that the same are free from all encumbrances. And the above bargained and granted lands and premises, in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part will warrant and defend.

IN TESTIMONY WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of: Clyde H. Belknap - Emma S. Bassett

Martha E. McGowen (Seal)
Thomas McGowen (Seal)

STATE OF WASHINGTON)

: ss

COUNTY OF SPOKANE)

I, the undersigned, a Notary Public in and for the State of Washington, do hereby certify that on this 5 day of October, 1928, personally appeared before me, Martha E. McGowen (formerly Martha E. Fenstermaker) and Thomas McGowen, her husband, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN Under my hand and official seal this 5 day of October A.D. 1928.

94 4008

(Notarial Seal)
My commission expires
Oct 18 1930

Clyde H. Belknap
Notary Public for State of Washington,
residing at Spokane, Washington..

SHOSHONE COUNTY, IDAHO

Recorded at request of R.C. Dunkle, Oct 9 1928, at 4 o'clock P.M.

HARRY A. ROGERS, County Recorder

By

S. White

Deputy

94 4008

INSTRUMENT NUMBER 90376

IN THE PROBATE COURT OF SHOSHONE COUNTY, STATE OF IDAHO.

In the Matter of the estate of

DECREE OF DISTRIBUTION.

MICHAEL A. DUNKLE, deceased.

R. C. Dunkle, the administrator of the estate of Michael A. Dunkle, having heretofore and on the 10th day of October, 1931, filed herein his first and final account of administration of the above entitled estate, and having at the same time filed herein his petition for settlement of said first and final account and for the distribution of said estate, and said first and final account and petition coming on regularly this day to be heard, and evidence oral and documentary having been adduced, and it appearing that Myrta Dunkle, the surviving widow of said decedent and the person entitled to have the residue of said estate distributed to her, having filed in this court her waiver of the filing of a more complete account than the account contained in said petition for distribution and for settlement of the first and final account, and it appearing to the satisfaction of the court that notice of hearing of said first and final account and petition has been given in the manner and for the time as prescribed by law and as heretofore ordered by the court, and no objections or exceptions to said first and final account having been made or filed herein by any person interested in said estate or otherwise,

And it appearing to the court to its satisfaction through the evidence adduced at such hearing that all and singular the allegations contained in said petition for the allowance and settlement of said first and final account are true and correct, and that said estate is indebted to said administrator and which indebtedness the said administrator has in said petition expressly waived;

IT IS HEREBY ORDERED, and this does order that the first and final account as rendered by the said R.C. Dunkle, administrator aforesaid, be and the same is hereby settled and approved, and that his account as related and set forth in said petition be ratified and approved.

And it further appearing to the court to its satisfaction that all and singular the allegations and statements contained in said petition for final distribution is and are true, and the court hereby finds them to be true, and that all state, county and municipal taxes levied upon the property of said estate have been paid by the said administrator, and that all claims and debts against said decedent and all debts, expenses and charges of administration have been fully paid and discharged, except as hereinafter stated;

1. Commissions due R. C. Dunkle, administrator of the estate of said deceased, which said administrator has expressly waived;
2. An allowance due to said administrator for counsel fees payable by him to Mr. Walter H. Hanson for legal services rendered in the administration of said estate;

And it appearing that the sum of \$300.00 is a reasonable amount to be allowed for the administrator for the payment of his attorney as aforesaid and said sums above mentioned, and it further appearing that said estate is exempt from the payment of any transfer and/or inheritance tax due under the laws of the State of Idaho, due to the fact that no distributive share in said estate exceeds the amount exempted under the laws of Idaho, and,

It further appearing that there is in the hands of said administrator certain real estate hereinafter particularly described to be distributed as hereinafter provided,

And it further appearing that all of the property of the estate of said deceased is the community property of said deceased and the said Myrta Dunkle, the surviving wife of said deceased,

And it further appearing that the said Michael A. Dunkle died intestate in the County of Shoshone, State of Idaho, on or about the 7th day of September, 1928, and that he was at the time of his death a resident of the County of Shoshone, State of Idaho,

RECORD No. 64 OF DEEDS

SYMS-YORK CO., PRINTERS & BINDERS, BOISE 103066

eight (48) north Range four (4) east; and thence east 1320 feet to the place of beginning, containing 55.304 acres. Excepting and reserving, however, therefrom the two rights of way running through said tract of land heretofore conveyed to the O. R. & N R.R. Co. and the Northern Pacific Railway Co. respectively; the O.R. & N right of way being sixty (60) feet in width; and the Northern Pacific right of way being thirty (30) feet in width; also to sell and convey the southeast quarter of the northeast quarter of section nineteen (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec.19) in Township forty-eight (48) north of Range four (4) east of Boise Meridian in Idaho, containing forty (40) acres, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining and including all of the water in Shields' Creek, a tributary of the South Fork of the Coeur d'Alene river in Evolution Mining District, Shoshone County, State of Idaho, as more fully described and set forth in location certificate thereof, recorded in Book "H" of Miscellaneous records, page 38, in the County Recorder's office of said Shoshone County, said location being made by John D. Myers and W.L.Meyerson the 23rd day of September A.D.1885, and granted and conveyed by said locators to the said Thomas Reynolds, by their deed dated November 1st, 1886, and recorded in the Recorder's office of said Shoshone County in Deed Book "L" page 49.

Also, all of the following described real property situate in the County of Bonner, State of Idaho, to-wit: Lots numbered one (1) and two (2) and the south half of the northeast quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section three (3) in Township fifty-six (56) north of Range three (3) east of Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

And it is further ordered and decreed that the said administrator upon the payment of his said attorney as hereinbefore states, and upon filing due and proper vouchers and receipts therefor in this court, be fully and finally discharged from his trust as such administrator, and that his sureties shall thereupon and thenceforth be discharged from all liabilities for his future acts.

Done in open court this 23rd day of October, 1931.

Paul H. Batzle
Probate Judge..

STATE OF IDAHO)
COUNTY OF SHOSHONE) ss

I, Paul H.Batzle, Probate Judge and ex-Officio Clerk of the Probate Court of the County of Shoshone, State of Idaho, do hereby certify the above and foregoing instrument of writing to be a true and correct copy of the Decree of Distribution in the matter of the estate of Michael A.Dunkle, deceased, as full and complete as the same remains on file and is also a matter of record in my said office in Wallace, Shoshone County, Idaho.

WITNESS my hand and the seal of the Probate Court of the County of Shoshone, State of Idaho, this 24th day of October A.D.1931.

(Probate Seal)

Paul H. Batzle
Probate Judge and ex-Officio Clerk
of the Probate Court of Shoshone
County, State of Idaho..

Recorded at request of W.H.Hanson, Oct 24 1931, at 12 o'clock M.

HARRY A. ROGERS, County Recorder

By *SA White* Deputy

34 400

SHOSHONE COUNTY, IDAHO

and that he left surviving him the following next of kin and heirs at law, and no others, namely:

Myrta (Sometimes spelled Myrtie) Dunkle, his widow; R. C. Dunkle, Darwin D. Dunkle, T. M. Dunkle and Edna Stevens, sons and daughter of said deceased;

And it further appearing that said estate is now in a condition to be finally distributed unto the persons entitled thereto, and the administration thereof brought to a close, and all and singular the law and the premises being by the court seen, heard, understood and fully considered, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That due and legal notice of the hearing of the first and final account and petition for final distribution has been given.
2. That said first and final account be and the same is hereby settled, allowed, and approved as rendered.
3. That the said R. C. Dunkle, as such administrator, be and he is hereby authorized to deduct and withhold from said estate the sum of \$300.00 for the legal fees of his attorney, Mr. Walter H. Hanson.
4. That said estate be distributed free and clear from the payment of any transfer and/or inheritance tax of the State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the rest and residue of the property, both real and personal, constituting the estate of Michael A. Dunkle, deceased, hereinafter particularly described, and now remaining in the hands of said administrator, and any and all other property which may belong to said estate or in which said estate may have any interest, be and the same is hereby distributed as follows, to-wit:

To MYRTA DUNKLE (sometimes known as Myrtie Dunkle), all thereof.

The following is a particular description of said residue of said estate referred to in this decree and of which distribution is ordered, adjudged and decreed as aforesaid, to-wit:

An undivided one-third interest in and to Lot fifteen (15), except the west fifty (50) feet thereof; Lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21) in Block numbered twenty-five (25); and Lots numbered one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) in Block numbered twenty-six (26); in the townsite of the town of Osburn, according to the official plat of said town now on file in the office of the County Recorder of said Shoshone County; also

All of the lands lying between Lot twenty-one (21) in Block numbered twenty-five (25) and Lot one (1) in Block numbered twenty-six of said Osburn townsite; and also All of the lands lying south of said Blocks twenty-five and twenty-six (26) and south of the street between said blocks twenty-five (25) and twenty-six (26) and between the northeasterly side lines of the Oregon-Washington Railroad & Navigation Company's right of way and west of the common line between Sections eighteen (18) and nineteen (19) of Township forty-eight (48) north Range four (4) east of the Boise Meridian, which property is more fully described by metes and bounds in a deed recorded in Book 54 of Deeds, page 361, records of Shoshone County.

Also, a similar interest in a right to take and use water through a one-inch pipe line connected with the water system supplied by water from McFarren's Gulch, near the town of Osburn, the right to take and use which amount of water was heretofore reserved to S.V. Osburn, under the provisions of a certain deed dated December 12, 1913, from said Osburn as grantor to Eleanor Deboise as grantee therein, which deed is on record in Book 45 of Deeds at page 376, records of Shoshone County, and which water right was heretofore and on December 31, 1918, conveyed by said S.V. Osburn to the decedent and Raymond C. Dunkle and Darwin Dunkle, and which deed is of record in Book 53 of Deeds at page 295 thereof, records of Shoshone County.

Also, a similar interest in a triangular piece of ground situated in the northeast quarter of the northeast quarter of Section nineteen (NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 19), Township forty-eight (48) north Range four (4) east of Boise Meridian, Shoshone County Idaho, containing 3.46 acres, more or less, said tract being bounded on the southwest by the right of way of the Oregon-Washington Railroad and Navigation Company, on the northwest by the line of the townsite of Osburn, and on the northeast by the Shoshone County road.

Also an undivided one-third interest in a contract to purchase heretofore executed on October 23, 1916, by Martha E. McGowen, formerly Martha E. Fenstermaker, and Thomas McGowen, her husband, as parties of the first part, and M. A. Dunkle, R. C. Dunkle and D. D. Dunkle, parties of the second part, conveying the following-described property in Shoshone County, Idaho, to-wit: A part or portion of the west one-half of the northwest quarter of Section twenty (W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 20) Township forty-eight (48) north Range four (4) east of Boise Meridian; and being a portion of the northeast quarter of the northeast quarter of section nineteen (NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 19) Township forty-eight (48) north Range four (4) east of Boise Meridian, and being bounded and described as follows, to-wit: Beginning at the northwest corner of the southwest quarter of the northwest quarter of Section twenty (20), Township forty-eight (48) north Range four (4) east, and running thence south 1320 feet to the southwest corner of the southwest quarter of the northwest quarter of Section twenty (20), Township forty-eight (48) north Range four (4) east; thence north 43° 33' east 836 feet along west line of Hassard Ranch; thence south 46° 40' east 356 feet to southeast corner fence; thence north 23° 40' east 490 feet to northeast corner fence; thence north 17° 10' west 160 feet along County road; thence north 35° 16' west 175.1 feet along county road; thence north 44° 44' west 513.5 feet along County road; thence north 41° 47' west 380.2 feet along County road; thence north 46° 09' west 371.8 feet along County road; thence north 50° 31' west 488.5 feet along County road; thence 58° 21' west 205.5 feet along County road; thence north 61° 19' west 282.8 feet along County road to a point at the northeast corner Reynolds' home; thence south 17° 40' west 474.5 feet along east line of Reynolds' homestead; thence north 50° 47' west 484.8 feet along south line O.R. & N. right of way; thence south 1102.7 feet to the southwest corner of the northeast quarter of the northeast quarter of Section nineteen (19) Township forty-

SHOSHONE COUNTY, IDAHO

Book 64 Pg. 278

INSTRUMENT NUMBER 90436

WARRANTY DEED

THIS INDENTURE, Made this 5th day of November, 1931 between MYRTA DUNKLE (sometimes known as Myrtie Dunkle), of Osburn, Shoshone County, Idaho, party of the first part, and R. C. DUNKLE and D. D. DUNKLE, of the same place, parties of the second part.

WITNESSETH, That for and in consideration of the sum of \$1.00 and other things of value, the receipt whereof is hereby acknowledged, the said party of the first part does by these presents grant, bargain, sell and convey unto the said parties of the second part, all of her right, title and interest, the same being an undivided one-third interest thereof, in the following described real property, to-wit:

An undivided one-third interest in and to Lot fifteen (15) except the west fifty (50) feet thereof; Lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21) in Block numbered twenty-five (25); and Lots numbered one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) in Block numbered twenty-six (26) in the Townsite of the Town of Osburn, according to the official plat of said town now on file in the office of the County Recorder of said Shoshone County; also all of the lands lying between Lot twenty-one (21) in Block numbered twenty-five (25) and Lot one (1) in Block numbered twenty-six (26) of said Osburn Townsite; and also all of the lands lying south of said Blocks twenty-five (25) and twenty-six (26) and south of the street between said Blocks twenty-five (25) and twenty six (26) and between the northeasterly side lines of the Oregon-Washington Railroad & Navigation Company's right of way and west of the common line between Sections eighteen (18) and nineteen (19) of Township forty-eight (48) north Range four (4) east of Boise Meridian, which property is more fully described by metes and bounds in a deed recorded in Book 54 of Deeds, page 361, records of Shoshone County.

Also a similar interest in a right to take and use water through a one-inch pipe line connected with the water system supplied by water from McFarren's Gulch, near the town of Osburn, the right to take and use which amount of water was heretofore reserved to S.V. Osburn, under the provisions of a certain deed dated December 12, 1913, from said Osburn as grantor to Eleanor Deboise as grantee therein, which deed is of record in Book 45 of Deeds at page 376, records of Shoshone County, and which water right was heretofore and on December 31, 1918, conveyed by said S.V. Osburn to Michael A. Dunkle, Raymond C. Dunkle and Darwin Dunkle, and which deed is of record in Book 53 of Deeds at page 295 thereof, records of Shoshone County.

Also a similar interest in a triangular piece of ground situated in the northeast quarter of the northeast quarter of Section nineteen (NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 19) Township forty-eight (48) north Range four (4) east of Boise Meridian, Shoshone County, Idaho, containing 3.46 acres, more or less, said tract being bounded on the southwest by the right of way of the Oregon-Washington Railroad and Navigation Company, on the northwest by the line of the Townsite of Osburn, and on the northeast by the Shoshone County road.

Also an undivided one-third interest in a contract to purchase heretofore executed on October 25, 1918, by Martha E. McGowen, formerly Martha E. Fenstermaker, and Thomas McGowen, her husband, as parties of the first part, and M. A. Dunkle, R. C. Dunkle and D. D. Dunkle, parties of the second part, conveying the following described property in Shoshone County, Idaho, to-wit: A part or portion of the west half of the northwest quarter of Section twenty (W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 20) Township forty-eight (48) north Range four (4) east of Boise Meridian; and being a portion of the northeast quarter of the northeast quarter of Section nineteen (NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 19) Township forty-eight (48) north Range four (4) east of Boise Meridian, and being bounded and described as follows to-wit: Beginning at the northwest corner of the southwest quarter of the northwest quarter of Section twenty (20) Township forty-eight (48) north Range four (4) east, and running thence south 1320 feet to the southwest corner of the southwest quarter of the northwest quarter of Section twenty (20) Township forty-eight (48) north Range four (4) east; thence north 43° 33' east 836 feet along west line of Hassard Ranch; thence south 46° 40' east 356 feet to southeast corner fence; thence north 23° 40' east 490 feet to northeast corner fence; thence north 17° 10' west 160 feet along county road; thence north 35° 16' west 175.1 feet along county road; thence north 44° 44' west 513.5 feet along county road; thence north 41° 47' west 380.2 feet along county road; thence north 46° 09' west 371.8 feet along county road; thence north 50° 31' west 488.5 feet along county road; thence 58° 21' west 205.5 feet along county road; thence 282.8 feet along county road.

RECORD No. 64 OF DEEDS

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SYN-YORK CO. PRINTERS & BINDERS, POISE 120068

of the first part and her heirs warrant to the said parties of the second part a fee simple and merchantable title thereto.

WITNESS my hand and seal the 5th day of November, 1931.

Witness: Marguerite Schick

Myrta Dunkle (Seal)

STATE OF IDAHO)
: ss
COUNTY OF SHOSHONE)

On this 5th day of November, 1931, before me, the undersigned notary public in and for said state, personally appeared Myrta Dunkle (sometimes known as Myrtie Dunkle), known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(Notarial Seal)

Marguerite Schick
Notary Public for State of Idaho,
residing at Wallace, Idaho..

Recorded at request of R. C. Dunkle, Nov 6 1931, at 1:30 o'clock P.M.

HARRY A. ROGERS, County Recorder

94 4

By *SA White* Deputy

By Christine Tessier Deputy

Fee \$1.25

INSTRUMENT NUMBER 170183

BOOK 92 Pg. 16

IN THE PROBATE COURT OF THE COUNTY OF SHOSHONE, STATE
OF IDAHO.

IN THE MATTER OF THE ESTATE)

No. 5877

OF)

DECREE OF DISTRIBUTION

RAY C. DUNKLE, deceased.)

This matter coming on regularly to be heard this 8th day of April, 1957 upon the petition of Dar D. Dunkle, executor of the above entitled estate, and said executor having been sworn and examined and the court having heard the testimony and having considered the records and files in said action and being fully advised as to the law and in the premises now finds as follows:

That the last will and testament of the above named deceased was, after due notice given, duly and regularly admitted to probate in the above entitled court on the 20th day of July, 1956 and that Dar D. Dunkle, the executor named therein, was appointed executor without bond as provided in said last will and testament, and that he ever since has been and now is the duly appointed, qualified and acting executor.

That said last will and testament was a "non-intervention" will under the statutes of the State of Idaho.

That on the 20th day of July, 1956 this court made and entered an order appointing three appraisers for said estate and said appraisers did on the 14th day of August, 1956 make and enter a true and correct inventory and appraisement of all of the property in said estate and this court did by order dated the 12th day of October, 1956 fix the gross market value of said estate at the sum of \$48,890.75, and did make and enter its order determining that there was no inheritance tax due or payable from said estate or any devisee under the last will and testament of the said Ray C. Dunkle.

That the executor under said last will and testament did cause notice to creditors to be given pursuant to law and the order of this court; that the first publication of notice to creditors was July 26, 1956; that proof of publication of said notice has been filed in this court and the court finds that due and legal notice of publication of notice to creditors has been given and the time within which creditors' claims could be filed has now long since passed and that all claims of creditors, expenses of last illness and funeral, and expenses of administration have been paid.

That said will being a non-intervention will no accounting is required to be submitted to the court.

That said estate is now in a condition to be closed and that under the terms of said last will and testament Minnie Dunkle, the wife of the above named decedent, is entitled to have distributed to her all of the assets of said estate.

... NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED and this does order, adjudge and decree that the following described real and personal property be, and the same is hereby distributed to the said Minnie Dunkle:

An undivided one-half interest in the following lots or parcels of ground, to-wit:

All of Block 3 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block 6 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lots 1, 2, 3, 4, 5 and 6 in Block 9 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

94 4208

94-7

Exhibit - 9 - 46

Lots 1, 2, 3, 4, 5 and 6 in Block 8 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

All of Block 7 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 8 and $W\frac{1}{2}$ of Lot 9 in Block 5 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho

Lot 5 and $W\frac{1}{2}$ of Lot 6 in Block 5 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 4 and $W\frac{1}{2}$ of Lot 5 in Block 1 in Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 8 and $E\frac{1}{2}$ of Lot 7 in Block 2 of Dunkle's Third Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with a partially completed house thereon and other improvements.

Lot 11 in Block 2 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon

Lot 10 and the East one-half of Lot 9 in Block 2 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho.

Lot 8 in Block 1 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon.

Lot 9 in Block 1 of Dunkle's Second Addition to the Town (now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon.

Lot 10 in Block 1 of Dunkle's Second Addition to the Town (Now Village) of Osburn, Shoshone County, Idaho, together with the dwelling house and other improvements thereon.

That portion of the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ and the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 19 and Tax No. 18, the same being a portion of the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 20, Township 8 N. R. 4 E.B.M., which has not been platted, consisting of 43 acres more or less.

An undivided one-half interest in a water system including a water right on Shield's Gulch near the Village of Osburn, Shoshone County, Idaho, and including a distribution system consisting of:

- 3,000 ft. of 6 inch wooden pipe
- 1,125 feet of 4 inch iron pipe
- 500 feet of 3 inch iron pipe
- 2,800 feet of outside 4 inch iron pipe
- 3,600 feet of 2 inch iron pipe
- 15,000 gallon reservoir tank

together with an easement dated April 13, 1950 between Ernest F. Blum and Lola Maye Blum and Ray C. Dunkle and Minnie Dunkle and Darwin D. Dunkle and Clara Dunkle.

An undivided one-half interest in the checking account in the First National Bank of Wallace, Idaho in the name of Dunkle Gardens by Ray C. Dunkle or Dar D. Dunkle

An undivided one-half interest in the checking account in the Idaho First National Bank of Wallace, Idaho in the name of Dunkle Gardens by Ray C. Dunkle or Dar D. Dunkle.

An undivided one-half interest in one 1950 John Deere Model "M" Tractor

An undivided one-half interest in one 1-Ton 1946 Chevrolet Truck

One 1952 Buick Automobile

Household goods in the dwelling house on Lot 10, Block 1 of Dunkle's Second Addition to Osburn

Series E Bond No. C161957564E
Series E Bond No. C67599314E
Series E Bond No. L208961875E
Series E Bond No. L76949516E
Series E Bond No. L50578808E
Series E Bond No. L77434838E

COMPARED

197282

114 of 562

IN THE DISTRICT COURT OF THE COUNTY OF SHOSHONE, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)

No. 6864

OF)
MINNIE DUNKLE, deceased.)

EXECUTORS' FIRST
AND FINAL ACCOUNT, AND DISTRIBUTING
ESTATE.

This matter came regularly on to be heard at 11 o'clock A.M., Mountain Standard Time, on the 18th day of August, 1964, before the Honorable Peter R. Dufresne, Judge of the above-entitled court, at the courtroom of said court, in the Shoshone County Courthouse in the City of Wallace, Shoshone County, Idaho, upon the First and Final Account of the Executors of said estate and their petition for distribution.

Said estate executors, namely, B. D. Dunkle and William C. Petersen, appeared in person and were represented by their attorney, Chas. E. Herning.

Witnesses were duly called, sworn and examined in support of the facts and figures alleged in said account, and it appearing to the satisfaction of the undersigned, Judge of said court, from the testimony of said witnesses and from the records and files herein.

That the said Minnie Dunkle, the above named deceased, died on October 2, 1903, leaving a non-intervention last will and testament which was admitted to probate in the above entitled Court on November 18, 1903, and that on the same date said petitioners were duly appointed executors of said will and that they have been serving as such since that time.

That upon the appointment of said petitioners as such executors they caused notice to creditors to be published as required by law and as directed by this Court and that proof of the publication of such notice is on file herein as also is a decree of

DEEDS
BOOK 114 PAGE 563

this Court to the effect that due notice to creditors was given, That the time allowed by law for the presentation of creditors' claims has long since expired, and that all claims of creditors which were ever presented have been paid in full.

That on February 18, 1964, an inventory and appraisal of said estate was filed herewith, and that on March 12, 1964, a decree was duly made and entered herein by this court to the effect that said estate was solvent.

That said petitioners have paid out of the funds of said estate the sum of \$1,843.87, as inheritance or transfer tax, to the Inheritance Tax Division of the State of Idaho, of which amount the sum of \$839.21 was paid upon the value of the portion of said estate which will be inherited or transferred to said petitioner, B. D. Dunkle, and that said last mentioned amount will upon the distribution of said estate be deductible from the said B. D. Dunkle's share of said estate, as provided by Section 14-613, Idaho Code. That the balance of said inheritance or transfer tax was paid upon the value of the portion of said estate which will be distributable to said petitioner, William C. Peterson, the only other legatee of the estate named in said will.

That said decedent and said petitioner, B. D. Dunkle, were the joint owners of the following described real and personal property, each of them owning an undivided one-half interest therein, to-wit:

Personal property:

One 1960 model Willys Jeep

One 1960 model John Deere (Model M)

Savings account in the First National Bank of Boise, Idaho, carried in the name of "Dunkle Gardens", in which at the time of the decedent's death there was a balance in the amount of \$4,720.66.

DEED
114-164

Real Estate

That certain land more commonly known as the "Dunkle" tract, situated in the Township of ... the County of ... State of ...

Lots 1 thru 12 in Block 1 in Dunkle's Second Addition to the Town of ... Village of ...

Lot 13 and the West portion of Lot 14 in Block 2 in Dunkle's Third Addition to the Town of ... Village of ...

Lots 1 through 12 in Block 3 in Dunkle's Third Addition to the Town of ... Village of ...

All of Block 4 in Dunkle's Third Addition to the Town of ... Village of ...

Lots 1 through 12 in Block 5 in Dunkle's Third Addition to the Town of ... Village of ...

Lots 1 through 12 in Block 6 in Dunkle's Third Addition to the Town of ... Village of ...

That portion of the ... and the ... of the ... the ... the ... of ... R.R.M., which ... of 43 acres ... description of ... the hearing upon this ...

Lot 1 in Block 1 of Dunkle's Second Addition to the Town of ... Village of ... together with the dwelling house and other improvements thereon.

That the ... stated the balance in said Dunkle ... account ... as of the date of the death of said ... of which belonged to said decedent and one-half of said ... petitioner, D. D. Dunkle. That since the death of said decedent, and up to the date of said account

4008

(July 24, 1964) said petitioners have deposited in said account the sum of \$2,000.10, and have disbursed out of said account a total of \$1,416.44 in payment of taxes and other expenses incurred in connection with the operation of said Dunkle Gardens Water System, and that as of the date last mentioned there was a balance of \$5,000.73 in said checking account which, after charging against petitioner, D. D. Dunkle, all of his withdrawals from said account, should be distributed as follows:

To Petitioner William C. Peterson-----\$1,526.57

To Petitioner D. D. Dunkle-----\$2,164.15

And that any and all additions, if any, to said checking account, less disbursements therefrom, between July 24, 1964, and the 18th day of August, 1964, should be distributed one-fourth to petitioner William C. Peterson, and three-fourths to petitioner D. D. Dunkle.

That said petitioners have heretofore converted into cash all of the U. S. Government Series E bonds listed on said inventory and appraisalment.

That said petitioners have also sold Lot 10 in Block 1 of Dunkle's Second Addition to the Town (now Village) of Orem, Wasatch County, Idaho, together with the dwelling house and other improvements thereon, for the sum of \$11,500.00 in cash.

That all costs and expenses of the administration of said estate, being the costs and expenses listed on pages 4 and 5 of said account, have been paid in full, except that no payment of executor's commission has been paid to petitioner, William C. Peterson, his share thereof having been waived by him.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that said account be, and it hereby is approved, allowed and settled and that all of the property of said estate remaining in the hands of said executor be, and it hereby is distributed as follows:

All of decedent's undivided one-half interest in any real estate, and one Model "B" John Deere tractor, and all of decedent's various garden tools, machinery and equipment, and the jointly owned by said decedent and said Mrs. Bunkle.

that the amount of \$1,300.94 (over the sum of \$1,000.00) contained in said check was deemed, at the time of \$75.00 payment in installments from the said mortgage house which was secured by decedent's life insurance policy, and was consequently deemed to have been paid in the Bunkie Gardens mortgage account in the First National Bank of Dallas, Texas, the sum of \$1,000.00 as reimbursement of said estate for the portion of the State inheritance tax which was paid by said estate and which is payable to the said Dr. D. Bunkie Smith the proceeds of which is due, (State Code).

And as to the contents of said house and the contents (being
the contents of said house) in and to lot 8,
the contents of said lot 8. In addition to the Town
and County of Salmon, Blaine County, Idaho,
together with the contents of said house and any and all
other contents of said house, and together
also with the contents of said house, and together
also with the contents of said house.

And to William H. B. Bunkle one-half, and to William C. Peterson one-half of the decedent's interest one-half interest in all of the following described property, to-wit: in and to B. H. Bunkle an undivided one-fourth interest and to William C. Peterson an undivided one-fourth interest in, to-wit:

That certain water distribution system which is commonly known as "Shields Gulch Water System", consisting of water flowing in the stream in Shields Gulch near the Village of Auburn, Stearns County, Maine, and a system of pipelines, lines and service pipelines and other facilities by means of which water is served to numerous customers residing in or near said Village of Auburn.

lots 1 thru 21 in Block 2 to Biddle's Third Addition to the Town (now Village) of Oxborn, Shoshone County, Idaho.

and the West one-half of lot 9 in
Block 6 in Burke's Third Addition to the
New Village) of Oakburn, Michigan
County, Idaho.

Lots 4 thru 16 in Block 6 in Building 31
 Addition to the West Gate Village, in
 County, State

Section 2 of Executive Order 12958, relating to automatic
downgrading and declassification of information, is hereby
applied to this document.

[illegible]

1942. I then came to the United States in 1942, and I was
employed by the United States Army, at Camp, of Ontario,
Ontario, Canada.

located in the
southeast
(NW1/4),
southeast
(NW1/4)
E.S.M.,
boundaries
follows:

beginning at the Northeast corner of the South-
west Quarter (SW¹) of the Northeast Quarter
(NE¹), Section 18, Township 48 North, Range 4,
Shoshone County, Idaho, and going the west
along the north line of said
Section 18 and ending at a point along the
west line of said Section 18 of said
Township 48 North, Range 4, E.B.M.; thence
south 10 to an intersection with the southerly
boundary of the Shoshone & Malheur Railroad Company's
right-of-way, thence easterly on and along
the southerly boundary of said railroad right-
of-way to corner No. 1 of Buckle's Third Addition
to said Township 48 North, Range 4, E.B.M.; thence
South 89° 00' 00" West 200.04 feet to corner No. 2 of said Buckle's Third
Addition to said Village of Osburn; thence South
89° 00' 00" West 125.00 feet to the west quarter corner
of Section 18, Township 48 North, Range 4, E.B.M.;
thence west along the quarter section line to
the south quarter corner of the Southwest Quarter
(SW¹) of the Southwest Quarter (SW¹), Section
18, Township 48 North, Range 4, E.B.M., the
place of beginning, enclosing therefrom an area
less than 1/4 section within the exterior
boundary of said Buckle's Third Addition to
said Village of Osburn; in the same is described
on the official plat thereof on file and of
record in the office of the County Recorder
of Shoshone County, Idaho, reference to which
said plat is hereby made.

DEED

BOOK

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And to the said William [redacted] the rest, residue and remainder of said estate, including the decedent's 1952 Buick automobile and including and all money on deposit in either checking or savings accounts in any bank or banks, in the name of Bessie Daphle or in the name of Bessie Daphle [redacted] as well as all other which shall accrue or become due to said Bessie Daphle [redacted] account in the First National Bank, of Wallace, Idaho, after the payment of the sum of \$100.00 to the said B. D. Daphle out of said checking account as provided on page 2 of this decree.

It is further ORDERED, ADJUDGED AND DECREED, that in accordance with the last will and testament of said decedent the said B. D. Daphle shall have the complete management of said "Bessie Daphle Water System" and she shall continue to own and operate same and she shall acquire her services in the same as before.

WILLIAM E. DUFFRENE
County Judge

CERTIFICATE

STATE OF IDAHO
COUNTY OF SHOSHONE
I, William E. Duffrene, Judge and Esquire, Clerk of the Probate Court of Shoshone County, Idaho, do hereby certify that the within and foregoing instrument is a true and correct copy of the original instrument as the same is on file and of record in my office in Wallace, Shoshone County, Idaho.
Witness my hand and seal of office of this Court this 18th day of August, 1964.
WILLIAM E. DUFFRENE
County Clerk

State of Idaho
County of Shoshone

This instrument was recorded at the request of
Chas. E. Horning at 11:45 A.M.

on August 28, 1964

ARTHUR E. BARTICK, County Recorder

By [redacted] Deputy

Chas. E. Horning

Attorney

Wallace, Idaho

1090

315

IN SENATE, FEBRUARY 1, 1907.
REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE,
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE,
JANUARY 1, 1907.

On January 1, 1907, the said Clara Dunkle, do-
cessant, was living at Wallace, Idaho, on January 4, 1910, and
that she was then and there was then they continued to be
married until the death of the said Clara Dunkle; that
the said Clara Dunkle died at the City of Wallace,
Idaho, on January 4, 1910, and during their
coverture and community the said Clara Dunkle acquired
certain real and personal property the said petition fully set out
and hereinafter fully described, and that all of said property was
the community property of said petitioner and the said Clara
Dunkle at the time of the latter's death; and

Said matter having been ready for hearing before the
above entitled court at the hour of 2:00 o'clock, p.m., Mountain
Standard Time, on the 1st day of February, 1907, pursuant to due
notice given by the court of said court in the manner required
by law, and no one appearing at said hearing to object to
said petition or to the prayer thereof and no
such objection being made, and

It was thereupon ordered by said court that there
be no further proceedings in said matter, and that the
said Clara Dunkle be buried in the cemetery at the
allegations in said petition are true and correct,

COMPARED

...of the ...
...along the ...
...a distance ...
...said north ...
...20' 30' 30" W ...
...to a point on ...
...Southwesterly ...
...line of said Lot 9 to the ...
...Southwesterly on and along ...
...said Lot 9 to the Northwest ...
...on and along ...
...the Northwest ...
...beginning. The tract ...
...said 9 ...
...to the Village ...
...which is ...
...of ...
...page 200, ...

Let Night (5) in Black and White, Making Gaynes Second
Admission to the Town (and the first of return, Washburn
County, Editor)

Together with all sailing and rowing movements

and also the following personal property, to-wit:

Model No. 1000,
Certificate of

beginning at the southeast corner of the Southeast Quarter (SE₁) of the Northeast Quarter (NE₁), Section 19, Township 46 North, Range 4, E.S.N.; thence north and along the west boundary of said SE₁ of the NE₁ of said Section 19 to and continuing on and along the west boundary of the SE₁ of the NE₁ of said Section 19 to an intersection with the southerly boundary of the Union

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals, this 1st day of September, 1967.
between the said Grantors, on the one part, and the said Grantee, on the other part.
as D. D. MEYERS, a widower, of the County of Blaine, State of Idaho, and WILLIAM L. MEYERS, of Blaine, Shoshone County, Washington, on the one part, and the said Grantee, under the name of Idaho Water Company, on the other part, under and by virtue of the laws of the State of Idaho.

WITNESSETH

That Grantors, in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, herein and paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and do hereby present to be grant, bargain, sell, convey, transfer, and confirm unto Grantee, and to its successors, all of the following described real estate situated in Shoshone County, State of Idaho:

1. All of the waters of Shields Creek, a tributary of the South Fork of the Snake River, in Evolution Mining District, Shoshone County, State of Idaho, as more fully described and set forth in the Notice of Location of Water Right, made and posted on said stream by John D. Meyers and W. L. Meyers on September 23, 1935, and recorded September 23, 1935, in Book 24 of Records, page 23, in the County Recorder's office, Shoshone County, State of Idaho, reference to which is hereby made.

CANONICAL

5. The said water, water right and water distribution system owned and operated by the Grantors, commonly known and designated as Dunkle Gardens Water System, in and about the Village (not city) of Buhl, Blaine County, Idaho, and all water and water rights and water of location, appropriation, use or benefit in connection therewith, together with all waterworks, diversion works, tanks, ditches, canals, pipes, transmission lines, services, meters and other equipment, appliances, appurtenances, and facilities, owned and/or used in connection with said Dunkle Gardens Water System, and all water rights, certificates of conveyance and necessity, contracts, easements, rights and rights of appurtenance to and/or in connection with said Dunkle Gardens Water System, in which said system is owned and operated.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, residues and remainders, rents, issues and profits thereof, and all other right, title and interest in and to the said premises, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever, and the said Grantors, and their heirs, the said premises in the quiet and peaceable possession of the said Grantee, its successors and assigns, against the said Grantors, their heirs and assigns, and against all and every person and persons whomsoever claiming or to claim the same, shall and lawfully shall.

the day, above written.

Donald R. ...

Donald R. ...
Notary Public for the State of Idaho

... before me, ...
... in and for said ...
... at all times ...
... the man, known to me ...
... to the within instrument ...
... and acknowledged to me that he was the same.

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

B. Sullman
Notary Public for the State of Idaho
Residing at ... Idaho

STATE OF ...
County of Spokane

On this 27 day of September, 1967, before me,
William R. ..., a Notary Public in and for the
State, personally appeared *William R. ...*, known to me
to be the person whose name is subscribed to the within
instrument, and acknowledged to me that he was the same.

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

William R. ...
Notary Public for the State of Washington
Residing at *Kennewick, Wash.*

State of Idaho }
County of Shoshone }

This instrument was recorded at the office of
The Idaho Water ...
on September 28, 1967.

January 15, 1973

~~94-7007~~

~~94-7008~~

94-4008

R. F. Pettit, Jr., Chief Engineer
American Smelting and Refining Company
Northwestern Mining Department
P.O. Box 440
Wallace, ID 83873

Dear Mr. Pettit:

Idaho water rights are on a first in time, first right basis. Unless your water right from Shields Gulch Creek has an earlier priority right than the Idaho Water Company, we cannot accept your letter as being a letter of protest. We do not have any recorded water right for Darwin D. Dunkle as claimed in your letter.

Enclosed is a Claim to a Water Right form, which we suggest you complete and record the aforementioned water right with this Department. This would give us the information we need if any dispute arises over a water shortage.

If we can be of any assistance, please do not hesitate to contact us.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enc: Claim to a Water Right form

~~94-7007~~

94-4008



AMERICAN SMELTING AND REFINING COMPANY
NORTHWESTERN MINING DEPARTMENT
P. O. BOX 440
WALLACE, IDAHO 83873

January 4, 1973

F. D. OWSLEY
MANAGER

State of Idaho
Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

Attention Manager, Northern District Office

Dear Sirs:

The North Idaho Press for January 2, 1973, carries a notice signed by R. Keith Higginson that Idaho Water Company is claiming 3.5 cubic feet of water per second from Shields Gulch with a point of diversion in the south-west quarter of the southeast quarter of section 19, Township 48 North, Range 4 East, B.M., in Shoshone County.

Their claim, as you no doubt are aware, results from a water right established and used by Darwin D. Dunkle, whose water system they purchased. We had an agreement with Mr. Dunkle allowing us to use what we could pick up in a 2-inch pipe above his diversion point. This agreement was continued by Idaho Water Company, as you will see from the letter copy attached. We estimate we use a little over 200 gallons of water per minute, equivalent to 0.5 cubic feet per second.

If our diversion, use and agreement will adversely affect Idaho Water Company's claim for a water right, we do protest their claim, and ask that our diversion be protected.

Yours very truly,

R. F. Pettit, Jr.
Chief Engineer

Attachment

cc: Mr. F. D. Owsley
Mr. C. J. Ward

94-4008



WATER! - Your **st** PRICELESS COMMODITY -- Yet **so** Inexpensive!

IDAHO WATER COMPANY

PHONE SU 4-1225
P. O. BOX 636

307 North Division Street
KELLOGG, IDAHO

August 22, 1967
P.O. Box 7488
Boise, Idaho
83707

American Smelting and Refining Co.
P.O. Box 440
Wallace, Idaho 83873

Rainbow Mining and Milling Co.
P.O. Box 889
Wallace, Idaho 83873

Gentlemen:

This will acknowledge our conversations on August 16, 1967 regarding the right of way for the Idaho Water Company for a pipeline and diversion dam in Shield's Gulch. This right of way is to cover the pipeline from the diversion works now installed for the Dunkle Gardens Water system. The Idaho Water Company will be acquiring the Dunkle Gardens Water system approximately on October 1, 1967. In order to comply with requirements of the Idaho Health Department it is necessary that the intake be moved farther upstream to insure the water being served to the residents of Osburn be not altered by your operations near the present intake. Therefore we would have to extend the pipeline uphill to the present road and then along the present road to the creek where your road crosses the Shield's Gulch. It is my understanding that you will furnish a description of the right of way after our forces stake the location of the proposed pipeline.

With regard to water service to your mining area, and service from our system to serve your mining area would necessarily have to be metered. We are aware that you now obtain water from Shield's Gulch by diverting some water upstream from our proposed intake structure. We have no objection to this as long as the water is not needed for use by the water system in Osburn. We have no investment in your system and we would expect no reimbursement, however we do reserve the right to discontinue your taking that water during periods of high demand in Osburn. Normally this is during the months of July and August of each year. We would suggest that you could put in an alternate facility to pump your water either from

Get 1007
W. H. H. H.

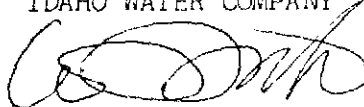
our system or more probably from some point below our intake and we would have no objection to that procedure.

Our Mr. Jack Jacobs and Mr. Jack Anderson will visit your property shortly and stake the probable location for the pipeline. As this work must be done in late September and early October while the weather is favorable we would appreciate receiving the right of way at the earliest possible convenience.

We would appreciate also the right to erect a fence in the area upstream from the point of diversion for a distance of 100 feet with the fence running parallel to the stream and 50 feet on each side. It is probable that the Health Department will require fencing of the immediate upper area.

Very truly yours,

IDAHO WATER COMPANY



Walter H. Smith
President

WHS:jg

94-7001
94-1008

January 29, 1973

Re: Claim to a Water Right No. 94-4008 - Idaho Water Company

Kenneth G. Bergquist
Attorney at Law
P.O. Box 1775
Boise, ID 83701

Dear Mr. Bergquist:

Pursuant to your letter concerning the status of the above referenced claim to a water right; this claim was received on December 8, 1972, and processing was completed on January 22, 1973. Enclosed is a copy of the claim for your records, and also a copy of the cover letter sent to the claimant.

We apologize for not notifying you of the status of this water right. If we may be of any further assistance, please feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enclosures

94 4008

KENNETH G. BERGQUIST

ATTORNEY AT LAW
POST OFFICE BOX 1775
BOISE, IDAHO 83701

314 EASTMAN BUILDING
TELEPHONE (208) 343-4988

January 26, 1973

Mr. Fred Eisenbarth
Water Resource Supervisor
Dept. of Water Administration
Northern District Office
401 Front Ave. Rm. 209
Coeur d'Alene, Idaho 83814

Re: Claim of Water Right
Idaho Water Company

Dear Mr. Eisenbarth:

On November 30, 1972, I forwarded to your office for filing a Claim of Water Right by Idaho Water Company for the waters of Shields Gulch Creek in Shoshone County, Idaho. To date, I have not received an acknowledgment of the receipt of this claim. If it has been received, I would appreciate your advising me and also advise me of the number which has been assigned to the claim.

Very truly yours,


KENNETH G. BERGQUIST

KGB:rh

94 4008

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

January 22, 1973

Re: Claim to a Water Right No. 94-4008

Idaho Water Company
P.O. Box 7488
Boise, ID 83707

Gentlemen:

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 that 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 can be of further assistance, please feel free to call upon us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: copy of claim

94 4008

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

January 17, 1973

Re: Application No. 94-7026 - Russell Dalton
Claim No. 94-4008 - Idaho Water Company
" " 94-4009 - Russell Dalton

North Idaho Press
507 Cedar
Wallace, ID 83873

Gentlemen:

Could you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your newspaper on December 28, 1972 and January 4, 1973.

Your assistance in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

94 4008

December 22, 1972

Re: Application No. 94-7026 - Russell Dalton
Claim No. 94-4008 - Idaho Water Company
" " 94-4009 - Russell Dalton

North Idaho Press
507 Cedar
Wallace, ID 83873

Gentlemen:

Enclosed you will find 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 the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

Bill submitted 1-22-73 by CR

FE:CR

Enc: Legal Notices (3)

94 4008

STATEMENT

NORTH IDAHO PRESS

507 Cedar — Wallace, Idaho

State of Idaho
Department of Water Administration
401 Front Avenue
Coeur d'Alene, Idaho 83814

December 1972

Legal Notice:

Notice of Claim to a
Water Right No. 94-4008

30 Lines 2X Dec 28, 1972 &
Jan 4, 1973

\$ 10 80

I hereby certify that the foregoing account is
just and correct, that the amount claimed is
legally due, after allowing all just credits, and
that no part of same has been paid.

94 4008

NORTH IDAHO PRESS

Claimant (Firm Name)

By

Name and Title

Business Manager

NOTICE OF CLAIM TO A WATER RIGHT

NO. 94-4008

Notice is hereby given that Idaho Water Company,

P.O. Box 7488, Boise, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 3.5 cubic feet per second ~~xxxxxxfeetpersecond~~

of water from Shields Gulch Creek, tributary to the Coeur d'Alene River

with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 48N, R. 4E, B.M.,

Shoshone County

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

purposes for 566 families (Osburn and vicinity)

with a priority of September 23, 1885;

the place of use is ~~within the~~ Shoshone County, Idaho

FOR OSBURN AND VICINITY

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

R. KEITH HIGGINSON

Director

Published in the North Idaho Press, Wallace, Idaho

on Dec. 28, 1972 and Jan. 4, 1973

94 4008

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 94-4008

Notice is hereby given that Idaho Water Company, P.O. Box 7488, Boise, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.5 cubic feet per second of water from Shields Gulch Creek, tributary to the Coeur d'Alene River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 48N, R. 4E, B.M., Shoshone County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 566 families (Osburn and vicinity) with a priority of September 23, 1885; the place of use is for Osburn and vicinity.

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

R. KEITH HIGGINSON
Director

Dec. 28, 1972, Jan. 4, 1973

NIP—

94 4008

December 22, 1972

Re: Claim to a Water Right No. 94-4008

Idaho Water Company
P.O. Box 7488
Boise, ID 83707

Gentlemen:

Attached is your receipt No. 8504 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor
Northern District

FE:CR

Enc: Receipt

94 4008

KENNETH G. BERGQUIST

ATTORNEY AT LAW
POST OFFICE BOX 1775
BOISE, IDAHO 83701

314 EASTMAN BUILDING
TELEPHONE (208) 343-4989

November 30, 1972

RECEIVED

Mr. Fred Eisenbarth
Water Resource Supervisor
Dept. of Water Administration
Northern District Office
401 Front Ave. Rm. 209
Coeur D'Alene, Idaho 83814

NOV 30 1972

Re: Claim of Water Right -
Idaho Water Company

Dear Mr. Eisenbarth:

Please find enclosed herewith for filing on behalf of Idaho Water Company, a Claim of Water Right for all the waters of Shields Gulch Creek in Shoshone County, Idaho, with a priority date of September 23, 1885. These waters are used for supplying the inhabitants of Osburn, Idaho and vicinity with domestic water and have been used by the applicant and its predecessors for that purpose since the date of original appropriation.

Attached to the application are the following exhibits:

- (1) Sketch of Diversion Facilities on Shields Gulch Creek
- (2) Copy of Notice of Location of Water Right dated September 23, 1885.
- (3) Copy of Deed dated November 1, 1886 from John D. Myers and W. L. Myers to Thomas Reynolds.
- (4) Copy of Warranty Deed dated December 15, 1903 from Thomas Reynolds to Edna M. Fenstermaker.
- (5) Decree Settling Final Account and of Final Distribution of Estate in the matter of the estate of John B. Fenstermaker, deceased.
- (6) Copy of Warranty Deed dated September 29, 1928 from Martha E. McGowen (formerly Martha E. Fenstermaker) and Thomas McGowen and R. C. Dunkle, D. D. Dunkle and the successors in interest of M.A. Dunkle, deceased.

94 4008

Mr. Fred Eisenbarth
Page 2

November 30, 1972

- (7) Copy of Decree of Distribution in the matter of the estate of Michael A. Dunkle, deceased.
- (8) Copy of Warranty Deed dated November 5, 1931 from Myrta Dunkle to R. C. Dunkle and D. D. Dunkle.
- (9) Copy of Decree of Distribution in the matter of the estate of Ray C. Dunkle, deceased.
- (10) Copy of Decree Settling Executors' First and Final Account and Distributing Estate in the matter of the estate of Minnie Dunkle, deceased.
- (11) Copy of Decree in the matter of the estate of Clara Dunkle, deceased.
- (12) Copy of Warranty Deed dated September, 1967 from Darwin D. Dunkle and William C. Peterson to Idaho Water Company.

Enclosed is my check in the amount of \$10.00 for the filing fee.

Very truly yours,


KENNETH G. BERGQUIST

KGB:cr
Enc.

94 4708