

No Color
Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7798 Priority October 24, 1977 Amount 0.08 cfs

THIS IS TO CERTIFY, that JAMES W. &/or ELIZABETH DONALD &/or NANCY JEAN FARMER
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7798 issued pursuant to Application for Permit dated October 24, 1977,
and has submitted proof to the Department of Water Resources on September 11, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.08 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.08</u> cfs and	<u>2.4</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
2.4 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 50N,
Rge. 4W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>50N</u>	<u>4W</u>	<u>9</u>																	

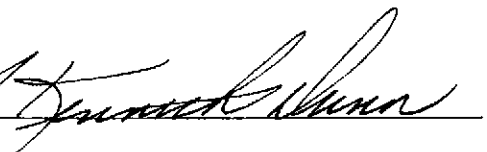
Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
March, 19 79.

Deputy Director



SFP 11 1978

Department of Water Resources

Permit No. 95-7798

Comes now James W. Donald of (address) _____

Rt #1 Bx 77 Coeur d'Alene, Id, and represents to the State Reclamation
Department of Water Administration

No. 95-7798, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 50N

R. 4W, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day

mo. - day

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purpose from to (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)

3. Place of use or land to be irrigated:

[illegible]**Total number of acres to be irrigated**

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Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

Sec 9
T50N R4W
x-placed of use (Gut Lot 8)
x-PD

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Grandditch this 3 day of Sept 1978

James A. Bonnell
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, L. GLEN SAXTON, Chief, Operations Bureau, of the Department of Water Administration

hereby APPROVE this application for amendment filed in connection with Permit No.

95-7798.

Witness my hand this

13 day of Sept

September

19 78

L. Glen Saxton
Chief, Operations Bureau

Identification No. _____
Application No. 95-7798

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- &/or Nancy Jean Farmer
1. Name of applicant James W &/or Elizabeth Donald Phone: 664-6114
post office address Rt 1 Box 77, Coeur d'Alene, Id 83814
groundwater
2. Source of water supply _____ which is a tributary of _____
3. a. Location of point of diversion is Gov Lot ~~146~~ 8 of Section 9 Township 50N
Range 4W B.M. Kootenai County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.08 for domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.08 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
well, standpipe, & hoses to place of use

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: Gov Lot of 8 1/4 of Section 9 Township 50N
Range 4W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 2.
(5) If water is to be used for other purposes describe: _____
household, gardens

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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Verbal agreement & pipeline put in by well owner.

Verbal agreement & pipeline put in by well owner.

b. Who owns the land to be irrigated or place of use.

James Donald

JAMES DONALD

9. a. Who owns the property at the point of diversion.

c. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated-

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
TOTALS			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

SEC 9, T50N, 40W

COL 478

Place of use
Point of
discovery

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James H. Ronald
(Applicant)

10/24/77

Proposed Priority

Received by B. J. [Signature] Date 10-24-77 Time 10:00

Preliminary check by [Signature] Fee \$ 10.00

Received by [Signature] Date 10-24-77 (9446)

Publication prepared by [Signature] Date 10-24-77

Published in Grand Valley Press

Publication dates 11-3-77 to 11-10-77

Publication approved [Signature] Date 11-10-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____
Recommended for approval denial by [Signature]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 95-7798 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1983.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of January, 19 78.

DEPUTY DIRECTOR

[Signature]

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
James W. &/or Elizabeth Donald

&/or Nancy Jean Farmer Rt. 1,
Box 77, Coeur d'Alene, Id. has on
October 24, 1977 submitted App-
lication No. 85-7798 for a permit
to appropriate 0.08 cubic feet per
second of water from a
groundwater source by means of a
well, standpipe & hoses within the
Gov. Lot 8, Sec. 9, T50N, R4W,
B.M., Kootenai County to be used
from Jan. 1 to Dec. 31 for
domestic purposes for 2
households within the Gov. Lot 8,
Sec. 9, T50N, R4W, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water
Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814,
on or before November 21, 1977.

C. STEPHEN ALLRED
Legal No. 768 Director
Nov. 3, 10, 1977

STATE OF IDAHO,
County of Kootenai,

ss.

Claude Hodge being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice
of which the annexed is a printed copy, was published in the regular
issue of said newspaper for *2* consecutive *weeks*
commencing on the *3* day of *Nov*, 19*77*, and
ending on the *10* day of *Nov*, 19*77*, and such
publication was made as often during said period as said *daily*
newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Subscribed and sworn to before me this

19*77*.

Claude Hodge
10 Nov
Roberta Masley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

10.44
LEADER

COPIES

RECEIVED

FEB 2 1990

STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
FILED

JAN 31 9 37 AM '90

Linda Garrett

Department of Water Resources

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

* * * * *

SHERMAN SCHROCK and VICKEY
SCHROCK, husband and wife,

CASE NO. 73149

Plaintiffs,

vs.

STIPULATION AND ORDER
FOR DISMISSAL OF
DIRECTOR OF IDAHO
DEPARTMENT OF WATER
RESOURCES

JAMES DONALD and ELIZABETH
DONALD, husband and wife,
and ANDREW FARMER and NANCY
FARMER, husband and wife, and
DIRECTOR OF THE IDAHO DEPARTMENT
OF WATER RESOURCES,

Defendants.

* * * * *

IT IS STIPULATED by and among the parties hereto, by
and through their respective counsel of record, Paul R. Kroeger
of the firm Lempesis, Anderson, Kroeger, P.A., appearing for
the plaintiffs, Pat W. Arney appearing for the defendants James
Donald and Elizabeth Donald, husband and wife, and Andrew
Farmer and Nancy Farmer, husband and wife, and A. Lynne
Krogh-Hampe for the Director of the Idaho Department of Water
Resources, that the Director of the Idaho Department of Water
Resources be dismissed from the above entitled action without
prejudice.

MICROFILMED

JUN 29 1990

1 DATED: November 16, 1989

DATED: Oct 24, 1989

2 LEMPESIS, ANDERSON, KROEGER, P.A.

3
4 By: Paul R. Kroeger
PAUL R. KROEGER

By: PAT W. ARNEY

6
7 By: A. Lynne Krogh-Hampe
A. Lynne Krogh-Hampe
Deputy Attorney General

8 ORDER

9 This cause coming on at this time on stipulation of
10 the parties hereto, through their respective counsel of record,
11 and good cause appearing therefor;

12 IT IS HEREBY ORDERED and this does ORDER that the
13 Director of the Idaho Department of Water Resources be
14 dismissed as a defendant in the above entitled action without
15 prejudice, upon the agreement of the parties, all parties to
16 bear their owns costs and attorneys' fees.

17 Dated this 24 day of January, ¹⁹⁹⁰~~1989~~.

18
19 CARLY M. HAMAN
DISTRICT JUDGE

20 CERTIFICATE OF MAILING

21 I hereby certify that on this 31st day of January,
22 ¹⁹⁹⁰~~1989~~, I served a copy of the foregoing STIPULATION AND ORDER
23 FOR DISMISSAL, by depositing same in the United States mail,
24 postage prepaid, in an envelope, addressed to the following:

25
26 Paul R. Kroeger
27 LEMPESIS, ANDERSON, KROEGER, P.A.
Attorneys at Law
28 P.O. Box 218
Post Falls ID 83854

MICROFILMED

JUN 29 1990

COPY

STATE OF IDAHO } ss
COUNTY OF KOOTENAI }
AT THE REQUEST OF
PIONEER TITLE COMPANY

DEC 18 12 27 PM '09

SHIRLEY DEITZ

C. Reed
FEES 27.00 DEPUTY

1169579

AGREEMENT

This Agreement made and entered this 14 day of November, 1989, between SHERMAN SCHROCK and VICKEY SCHROCK, husband and wife, hereinafter "Schrock;" JAMES DONALD and ELIZABETH DONALD, husband and wife, hereinafter "Donald;" and ANDREW FARMER and NANCY FARMER, husband and wife, hereinafter "Farmer."

WHEREAS, all the parties to this Agreement are parties to Kootenai County Civil Case No. 73149 and are desirous of resolving the issues raised therein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and the incorporation of this Agreement in an order of dismissal of Civil Case 73149, and other good and valuable consideration, the parties hereto agree as follows:

1. The parties agree that the Idaho Department of Water Resources will be dismissed from Civil Case No. 73149 prior to the entry of the order of dismissal herein contemplated.

2. At the time of execution hereof, Donald and Farmer shall quitclaim all of their right, title and interest in and to a certain well (as reflected by license of water right number 95-07798 and 95-07546 and by reservation in that certain Warranty Deed from James W. Donald and Elizabeth Donald to Vaughn P. Donald and Pamela Donald dated October 21, 1978, and shown as document number 785906 records of Kootenai County, Idaho) any water therefrom, and any rights-of-way or easements therefrom located on the property of Schrock, to Schrock. Donald and Farmer shall have no responsibility for past or future costs or obligations concerning said well and Schrock shall hold Donald and Farmer harmless in regard to any claims concerning said well.

3. The parties to this Agreement have water rights to a certain springs, collection facilities and pipelines located on the property of Donald. The springs serving the parcels of the three parties (as hereinafter described below) are in the NW1/4 SW1/4, S. 9, T. 50 N., R. 4 W.B. Kootenai County, Idaho. The respective ownerships and rights are as follows:

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JUN 29 1990

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<u>OWNER</u>	<u>PLACE OF USE</u>	<u>PRIORITY DATE</u>	<u>QTY</u>	<u>PURPOSE</u>
James & Elizabeth Donald Rt. # 1 Box 77 Coeur d' Alene ID 83814 (Claim No. 95-04387)	E1/2 of E. 313 ft., Govt. Lot 8, Sec. 9, T. 50N., R. 4 W.B.M. Kootenai Cty., ID	06/22/65	.04 cfs	Domestic for one household
Sherman & Vickey Schrock N. 2430 Foothill Dr. Coeur d'Alene ID 83814 (Claim No. 95-04386)	Portion of W1/2 of E. 313 ft., Govt. Lot 8, Sec. 9, T. 50N., R. 4 W.B.M. Kootenai Cty., ID	06/01/69	.04 cfs	Domestic for one household
James & Elizabeth Donald Rt. # 1 Box 77 Coeur d' Alene ID 83814 (for Andrew and Nancy Farmer) (Application for a Permit No. 95-08609)	E1/2 of E. 313 ft., Govt. Lot 8, Sec. 9, T. 50N., R. 4 W.B.M. Kootenai Cty., ID	11/23/88	.02 cfs	Domestic for one household

4. The parties hereto acknowledge that even though each has a paper right to two miner's inches of water on a continuous flow basis (one inch continuous flow for a year would develop 14.48 acre feet annually), the average daily production from the common spring source on the Donald property is approximately 900 gallons per day, or 328,500 gallons per year, or approximately one acre foot annually. The parties hereto agree that regardless of their respective water right priorities, the parties hereto shall share the flow from the springs one-third (1/3) each when the daily yield is 600 gallons or more. All water overflowing the reservoir shall be also divided one-third (1/3) each, provided that the other parties hereto shall have the right to use said overflow one-half (1/2) each if one party does not then wish to use such overflow water, or one party may use all the overflow water if the other two parties do not wish to use such overflow water. At yields below 600 gallons per day, Donald and Schrock shall share 50 - 50 and Farmer shall receive no water pursuant to right, but Donald may then make part or all of Donald's entitlement available to Farmer or Farmer's successor at Donald's discretion. At flows below 300 gallons per day total, the parties will again share one-third (1/3), one-third (1/3), one-third (1/3), it being recognized that such flows would be required for culinary and drinking purposes.

The parties further acknowledge that if average daily yields are below 600 gallons per day, that water will not be

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used for any purposes other than domestic within the three dwellings, or their replacements.

5. Donald shall own the collection facilities and improvements including the pipeline used in common, from the springs to the "T," and have responsibility for repair and maintenance of the system from the springs to the "T." Each party shall own and maintain their private facilities from the "T" (junction) in the pipe, it being understood Donald and Farmer shall share 50 - 50 below the "T." Schrock and Farmer are herein granted an easement for the conveyance of their water in the common facilities. Schrock is herein granted an easement for his pipeline from the "T" to Schrock's boundary, as well as a secondary easement ten feet in width (five feet on each side of his pipeline) from his boundary to the "T" for access, operation and maintenance purposes. Schrock and Farmer are herein granted a secondary easement ten feet in width (five feet on each side of the pipeline) for access from the "T" to the spring along the existing pipeline (or as the same may be then located) for use by Schrock or Farmer for operation and maintenance purposes as outlined in Paragraph 6 hereof in the event Donald is absent or unable to perform the repairs. Such easement shall be as shown on Exhibit "A".

6. The parties hereto agree that the responsibility for costs of repair, maintenance or replacement of the spring collection network and the pipeline located on Donald's property, but used in common by the parties, shall be one-third (1/3) each. Prior to undertaking repair and maintenance of the system from the springs to the "T," if maintenance costs are contemplated, Donald shall give the parties hereto thirty (30) days mailed notice containing an estimate of the cost of repairs (based on a contractor's estimate if the work is to be accomplished by other than Donald). In the event any maintenance is actually conducted by any party hereto, the cost shall be limited to out of pocket costs, with no reimbursement for personal labor. In the event of an emergency, and in the absence of Donald, after an attempt has been made to alert the other party hereto, any party may do what is necessary to restore the system to working order or to prevent damage to the system. Bills for repairs shall be paid within thirty (30) days after submitted by mail. Parties who have not paid within said thirty (30) days shall not be entitled to water until said bill is paid.

7. If at any time the system has fallen in disrepair, and for that reason only the water available to the parties falls below a total of 600 gallons per day, and after written demand to Donald or his successor the system is not thereafter repaired within thirty (30) days, Schrock or Farmer or their successors may proceed to make said repairs, the cost thereof to be shared as set out in Paragraph 6 above.

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8. The parties acknowledge that installing devices to measure daily volumes would be expensive. Such will not be required unless unanimously agreed.

9. The parties agree to take all reasonable measures to keep any person from hereafter appropriating or diverting water from the common spring source, unless all agree.

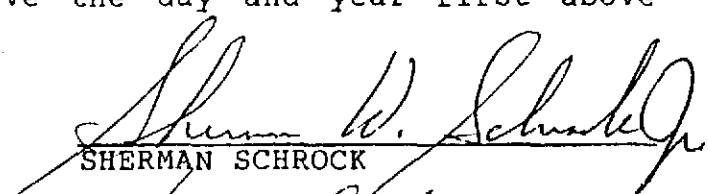
10. So long as the financial obligations for the operation of the system are current, the rights to water hereunder shall not be terminable, and each party shall be deemed the owner of a covenant running with the land in the system for the benefit of his respective parcel.

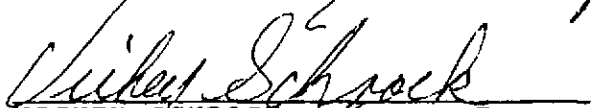
11. Any decision to hereafter further develop the spring area or convert to a subterranean water source in the area of the springs can only be made by a unanimous consensus of the parties hereto.

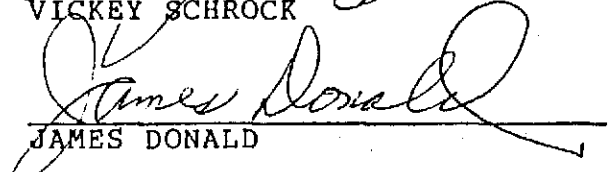
12. Donald covenants that in any subsequent sale of the property where the spring or part of the common system is located, that the parties hereto will be protected to the extent of their rights set out herein.

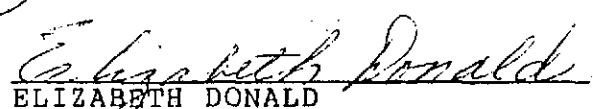
13. This Agreement and the covenants herein contained shall be binding upon and inure to the heirs, successors, assigns and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the day and year first above written.


SHERMAN SCHROCK


VICKIE SCHROCK


JAMES DONALD


ELIZABETH DONALD

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Andrew Farmer
ANDREW FARMER

Nancy Farmer
NANCY FARMER

As the successors to the interests of Schrock, the undersigned approve and agree to be bound by the provisions of this Agreement.

James Neff
JAMES NEFF

Gloria Neff
GLORIA NEFF

STATE OF IDAHO)
County of KOOTENAI) ss.

On this 14 day of November, 1989, before me, a Notary Public, in and for said County and State, personally appeared SHERMAN SCHROCK, known or identified to me to be the individual 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.

Paul R. Kroege
NOTARY PUBLIC FOR IDAHO
Residing at: Post Falls, ID
My commission expires: 1/2/93

STATE OF IDAHO)
County of KOOTENAI) ss.

On this 14 day of NOVEMBER, 1989, before me, a Notary Public, in and for said County and State, personally appeared VICKEY SCHROCK, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Allen D.
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 4/94

STATE OF IDAHO)
County of Kootenai) ss.

On this 16th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared JAMES DONALD, known or identified to me to be the individual 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.

Dorene Theser
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene, Id.
My commission expires: 4-4-91

STATE OF IDAHO)
County of Kootenai) ss.

On this 16th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared ELIZABETH DONALD, known or identified to me to be the individual 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.

Dorene Theser
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene, Id.
My commission expires: 4-4-91

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STATE OF IDAHO)
County of Kootenai) ss.

On this 16th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared ANDREW FARMER, known or identified to me to be the individual 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.

Dorene Visser
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene, Id.
My commission expires: 4-4-91

STATE OF IDAHO)
County of Kootenai) ss.

On this 16th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared NANCY FARMER, known or identified to me to be the individual 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.

Dorene Visser
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene, Id.
My commission expires: 4-4-91

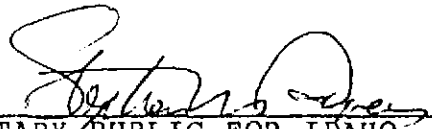
STATE OF IDAHO)
County of Kootenai) ss.

On this 20th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared Eugene R. NEFF, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

MICROFILMED

JUN 29 1990

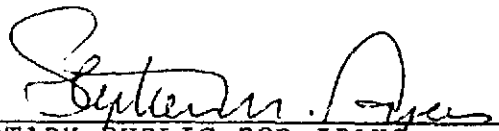
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 12-28-94

STATE OF IDAHO)
County of Kootenai) ss.

On this 26th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared Gloria NEFF, known or identified to me to be the individual 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.


NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 12-28-94

1687m

MICROFILMED

JUN 29 1990

EXHIBIT "A"

S 9, T. 50 N., R 4 W.B.M.
Kootenai County, Id.

SW $\frac{1}{4}$ NW $\frac{1}{4}$
Gov. T Lot 8

Schnock
House

FARMER'S HOUSE

DONALD HOUSE

WELL
95-7798

STANDPIPE

"T"

XXX
SHROCK } EASEMENT
FARMER

Reservoir

SPRINGS

NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

MICROFILMED

JUN 29 1990

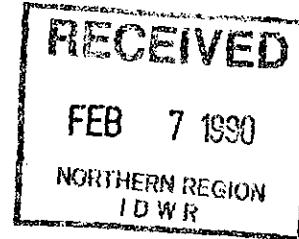
NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVENUE N.
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
(208) 734-0700

DATE: 2/5/90

TO:

Bob Haynes
IDWR
Coeur d'Alene ID

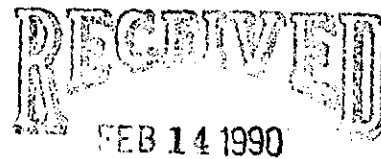
RE:



Mr. Haynes:

Please file the enclosed document
concerning License Nos. 95-07798 and
95-07546.

Thank you.



Department of Water Resources

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY JOHN ROSHOLT

CC: JAMES DONALD

MICROFILMED

JUN 29 1990

117202

QUITCLAIM DEED

COPY

RECEIVED

FEB 7 1990

NORTHERN REGION
IDWR

FOR VALUE RECEIVED, JAMES W. DONALD and ELIZABETH DONALD, husband and wife, and ANDREW FARMER and NANCY FARMER, husband and wife, "Grantors," hereby convey, release, remise and forever quitclaim unto SHERMAN SCHROCK and VICKY SCHROCK, husband and wife, "Grantees," whose current address is N. 2430 Foothill Drive, Coeur d'Alene ID 83814, all of the Grantors' right, title and interest in and to:

A certain well (as reflected by license of water right number 95-07798 and 95-07546 and by reservation in that certain Warranty Deed from James W. Donald and Elizabeth Donald to Vaughn P. Donald and Pamela Donald dated October 21, 1978, and shown as document number 785906 records of Kootenai County, Idaho) any water therefrom, and any rights-of-way or easements therefrom located on the property of Schrock, which is a parcel of land 45' by 156.5' in the NW1/4SW1/4 Section 9, T. 50 N., R. 4 W., B.M., Kootenai County, Idaho.

IT IS THE INTENT AND PURPOSE of this deed to convey all of the Grantors' interest and to relinquish their right to the use of water from said well under Licenses 95-07798 and 95-07546 to Grantees and their successors and assigns.

Dated this 18th day of October, 1989.

STATE OF IDAHO
COUNTY OF KOOTENAI } ss
AT THE REQUEST OF

Impressa Krueger

JAN 23 11 41 AM '90

SINGLE COPY
Q - Kaestner
FEES 9.00

James W. Donald
JAMES W. DONALD

Elizabeth Donald
ELIZABETH DONALD

MICROFILMED

JUN 29 1990

RECEIVED

FEB 14 1990

Department of Water Resources.

1172202

Andrew Farmer
ANDREW FARMER

Nancy Farmer
NANCY FARMER

STATE OF IDAHO)
County of Kootenai) ss.

On this 18th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared JAMES W. DONALD, known or identified to me to be the individual 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.

Dorene Hise
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 4-4-91

STATE OF IDAHO)
County of Kootenai) ss.

On this 18th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared ELIZABETH DONALD, known or identified to me to be the individual 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.

Dorene Hise
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 4-4-91

MICROFILMED

JUN 29 1990

1172102

STATE OF IDAHO)

County of Kootenai)

ss.

On this 18th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared ANDREW FARMER, known or identified to me to be the individual 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.

Dorine Hissin
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 4-4-91

STATE OF IDAHO)

County of Kootenai)

ss.

On this 18th day of October, 1989, before me, a Notary Public, in and for said County and State, personally appeared NANCY FARMER, known or identified to me to be the individual 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.

Dorine Hissin
NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 4-4-91

2382m

RECORDED

JUN 29 1990

01 WATER RIGHT NUMBER - 95-7798

02 OLD (D) NUMBER -

D4/t

LAST NAME

03001 - DONALD
03002 - DONALD
03003 - FARMER

FIRST NAME

04001 - JAMES W.
04002 - ELIZABETH
04003 - NANCY JEAN

ORIG. OWNER

05001 - C
05002 - C
05003 - D

06 ADD LINE 1 -

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - COEUR D ALENE

10 STATE - ID 11 ZIP - 83814

12 STAGE - L LICENSE

13 STATUS -

SOURCE

14001 - GROUNDWATER

TRIBUTARY OF

15001 -

16 DIVERSION MEANS -

17 COUNTY - 55 KOOTENAI

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .080

20 TOTAL DIVERSION VOLUME - 2.40

21 WATER DISTRICT -

----- DIVERSION POINTS -----				----- S T R E A M I N D E X F I E L D S -----											
TRACT	SEC	TWN	RNG	LOT	RFLG										
22001 - NWSW	23001 - 09	24001 - 50N	25001 - 04W	26001 - 27001 -											
			28001 - 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0	0.0

29 NON-IRRIGATION USE - D/2 HOMES.

----- PLACE OF USE -----				----- TRACT -----			----- ACRES -----		----- LOT -----	
USE CODE / USE	TWN	RNG	SEC							
30001 - 43 DOMESTIC	31001 - 50N	32001 - 04W	33001 - 09	34001 - SWNW	35001 -	36001 - 08				
TOTAL ACRES: 0										

----- WATER USE -----		----- DIVERSION RATE -----		----- DIVERSION VOLUME -----	
PERIOD FROM	PERIOD TO	USE CODE / USE			
37001 - 0101	38001 - 1231	39001 - 43 DOMESTIC	40001 -	0.080	41001 - 2.40

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 PRIORITY	24-OCT-1977	55 LICENSE	27-MAR-1979	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		

IDENT. NO. 95-7798

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 28, 1979

RE: Permit No. 95-7798

James W. &/or Elizabeth Donald &/or
Nancy Jean Farmer
Route 1, Box 77
Coeur d'Alene, ID 83814

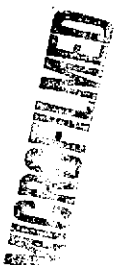
Dear Mr. & Mrs. Donald & Ms. Farmer:

Enclosed herewith is a copy of the Water Right License issued on the above
referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure



1

i

- Post office address Rt. #1, Box 77, Corvallis, ALABAMA Phone 664-6114

- Source of water supply: Groundwater ☒ Surface water ☐ _____

- Amount 0.04 c.f.s. for domestic (2)
 AF/Annum (nature of use)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Other uses: _____

- Max Rate of Diversion 0.04 cubic feet per second and annual volume _____ AF/Annum.

- Township 50N N/S, Range 4W E/W, B.M., Section 9, Subdivision NW $\frac{1}{4}$ SW $\frac{1}{4}$, Kootenai County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Description of diverting works: 6" well, pump, pipeline

6. Lands to be irrigated or place of use.

DEVELOPMENT

TOTAL ACREAGE _____

DATE OF EXAM 10-23-78

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.04 c.f.s. V= 2.4 AF/Ann. from 3-15 to 11-15
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured none Method of measurement _____

Total Q recommended 0.04 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 2.4 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

2 homes @ 0.04 cfs = 0.08
0.08 cfs was only estimated
should be 0.08 cfs as it was only estimated
3/29/79

SYSTEM DESCRIPTION:

6" well pump & pipe line to 2 trailer homes for exterior use only

REMARKS:

Used for watering lawn & garden for 2 homes.

Examiner's Signature J. D. King Date 10-23-78

Checked by Bob Holmes Date 10-26-78

Approved by _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

September 13, 1978

James W. Donald
Route 1, Box 77
Coeur d'Alene, ID 83814

Dear Mr. Donald:

RE: Permit No. 95-7798

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our regional office in Coeur d'Alene.

Sincerely,

RITA FLECK
Water Rights

RECEIVED

Identification No. _____

Permit No. 95-7798

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

SEP 10 1978

Department of Water Resources

1. a) Name of Permit Holder James W. Donald
b) Post Office Address Rt #1 Bx 77 Coeur d'Alene, Id.
2. Permit Number 95-7798
3. Date of Priority that you are prepared to establish 10/24/77
4. a) Source from which water was appropriated Ground Water
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 9
Township 50 N, Range 4 W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for Domestic purposes from Mar 15 to Nov 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: NONE
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 6" well with pump & pipe line to place of use
b) Describe the type and size of measuring device which you have installed at your point of diversion: NONE
c) Give well driller's name and address and the date the well was completed: Agua Drilling
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Domestic for 2 House holds for irrigation of lawn & garden

Exam typed by
Jf 9/13/78

February 1, 1978

Re: Permit No. 95-7798

James W. & Elizabeth Donald & Nancy Jean Farmer
Route #1
Box 77
Coeur d' Alene, ID 83814

Dear Mr. & Mrs. Donald & Ms. Farmer:

Enclosed is a copy of your approved Application for Permit No. 95-7798. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 95-7798 *Former*
Donald

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) SK 10.25.77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) DR 10.25.77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) KK 12/27/77

Critical groundwater area: yes _____ no ☒

(8) KK 12/27/77

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) 11-10-77

(12) KK 12/27/77

Final date for protests 11-21-77
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) KK 12/27/77

Action recommended:

☒ Approve _____ Deny

10-24-77 Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

_____ See attached sheet for other conditions of
approval

☒ No special conditions for approval

(15) District Northern

By [Signature] Date 12/27/77



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 27, 1977

RE: Applications No. 95-7793, 95-7794, 95-7797, 95-7796, 95-7795, 95-7798
Claim No. 96-4202

Coeur d'Alene Press
SEcond & Lakeside
Coeur d'Alene, Id 83814

Gentlemen:

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

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

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

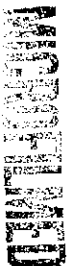
Very truly yours

ROBERT G. HAYNES, P.E.
District Supervisor

RGH:ab

Enc: Legal Notice(s)

Bill received
11-10-77
[Signature]



NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that James W &/or Elizabeth Donald &/or Nancy Jean Farmer

Rt 1 Box 77, Coeur d'Alene, Id

has on October 24, 1977 submitted Application No. 95-7798

for a permit to appropriate 0.08 cubic feet per second ~~acres feet per annum~~

of water from a groundwater source

by means of a well, standpipe & hoses

within the Gov Lot 8, Sec 9, T50N, R4W, B.M., Kootenai County

to be used from Jan 1 to Dec 31

for domestic purposes for 2 households

within the Gov Lot 8, Sec 9, T50N, R4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before November 21, 1977.

C. STEPHEN ALLRED
Director

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

on November 3 and November 10, 1977

MICROFILM