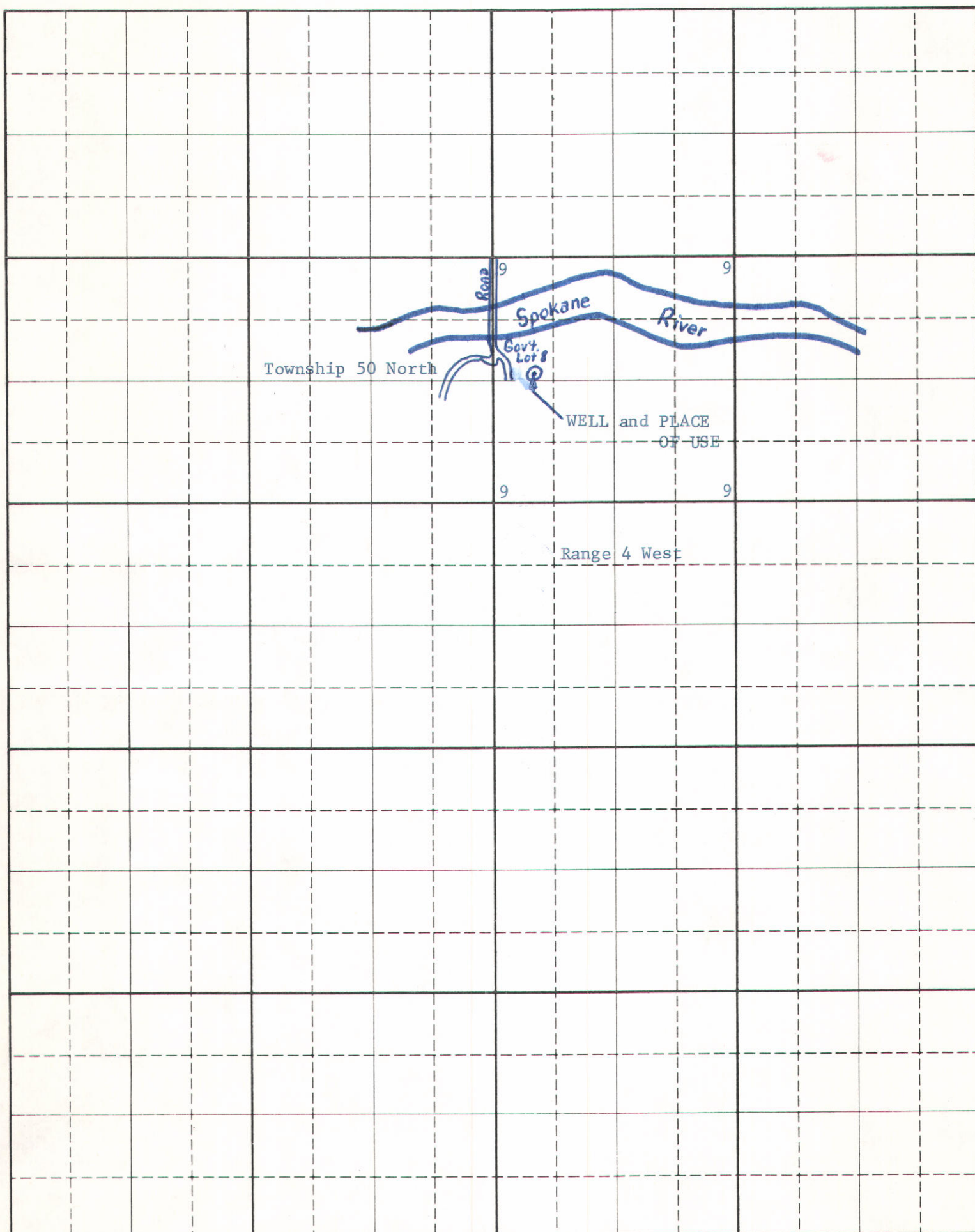


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

x Vaughn Donald
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7546 Priority July 22, 1975 Amount 0.04 cfs

THIS IS TO CERTIFY, that VAUGHN DONALD
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7546 issued pursuant to Application for Permit dated July 22, 1975,
and has submitted proof to the Department of Water Resources on March 26, 1976,
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 0.04 cfs of water from a ground water 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>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.04</u> cfs and	<u>1.2</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 0.04 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
1.2 acre feet per year, said waters to be diverted within ~~the~~ Gov't. Lot 8 of Sec. 9,
Twp. 50 N, Rge. 4 W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
50 N	4 W	9								Gov't. Lot 8									

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 3 day of
July, 19 76.

Director

Identification No. 95-7546

Application No. _____

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)

1. Name of applicant Vaughn Donald Phone: _____
post office address Route 1, Box 76, Coeur d'Alene, Idaho 83814
2. Source of water supply Ground water which is a tributary of _____
Gov't. Lot 8
3. a. Location of point of diversion is XXXX ~~XX~~ 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 0.04 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. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, and motor.

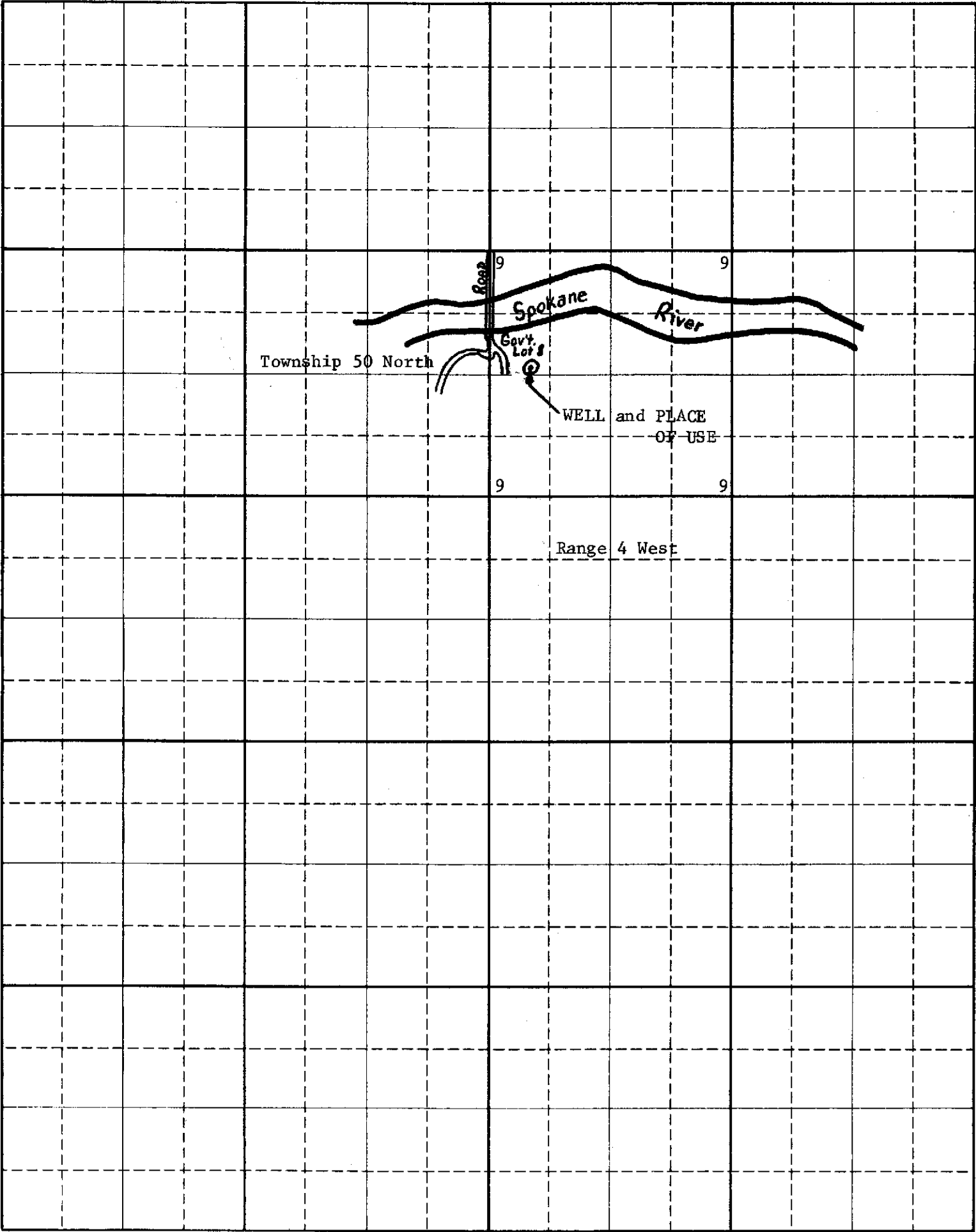
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed 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 1 years.
b. Estimated construction cost is \$ _____
8. Description of proposed uses:
a. If water is **not** for irrigation:
Gov't. Lot 8
(1) Give the place of use of water: XXXX ~~XX~~ 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 one.
(5) If water is to be used for other purposes describe: _____

LICENSE ISSUED FOR 004 SEC. FT.

MICROFILMED

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



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.

x Vaughn Donald
(Applicant)

Proposed Priority 7-22-1975

Received by CP Date 7-22-75 Time 4:45 pm

Preliminary check by CP Fee \$ 10.00

Received by CP Date 7-22-75 (Rec't. No. 962)

Publication prepared by CP Date 7-25-75

Published in Coeur d'Alene Press

Publication dates 7-31 & 8-7-75

Publication approved CP Date 8-18-75

Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval 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. 95-7546, 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 September 1, 1976.

c. Other:

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

Witness my hand this 25 day of August 1975.

Director

[Signature]

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Vaughn Donald, Route 1, Box 76, Coeur d'Alene, Idaho has on July 22, 1975 submitted Application No. 95-7546 for a permit to appropriate 0.04 cubic feet per second of water from a ground water source by means of well, pump, and motor within Gov't. Lot 8, Sec. 9, T. 50N, R. 4W, B.M., Kootenai County to be used from Jan. 1 to Dec. 31 for domestic purposes within Gov't. Lot 8, Sec. 9, T. 50N, R. 4W, 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 August 18, 1975.

R. KEITH HIGGINSON
Director

Legal 198
July 31, Aug. 7, 1975

Carol Hedge 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 Thursday issue of said newspaper for 2 consecutive weeks commencing on the 31 day of July, 1975, and ending on the 7 day of August, 1975 and such publication was made as often during said period as said daily newspaper was regularly issued.

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

Carol Hedge

Subscribed and sworn to before me this 11th day of August, 1975.

Roberta D. Manley

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

11.52
LEADER

95-7546

COP

RECEIVED

FEB 2 1990

STATE COURT 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,

Plaintiffs,

vs.

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.

CASE NO. 73149

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

* * * * *

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

5
6 BY: [Signature]
PAT W. ARNEY

7 BY: A. Lynne Krogh-Hampe
A. Lynne Krogh-Hampe
8 Deputy Attorney General

9 ORDER

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

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

18 Dated this 24 day of January, ¹⁹⁹⁰ 1989.

19 CARLY M. HAMAN
20 DISTRICT JUDGE

21 CERTIFICATE OF MAILING

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

26 Paul R. Kroeger
27 LEMPESIS, ANDERSON, KROEGER, P.A.
28 Attorneys at Law
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 '89

SHIRLEY DEITZ

C. Reed
FEE \$ 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) are in the NW1/4 SW1/4, S. 9, T. 50 N., R. 4 W.B.M., Kootenai County, Idaho. The respective ownerships and rights are as follows:

RECORDED
JUN 29 1990

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."

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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. 14 W. B. M., Kootenai County, Idaho. The respective ownerships and interests are as follows:

JUN 29 1990

<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)	El/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)	El/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 shall not be

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JUN 29 1990

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.

JUN 29 1990

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.

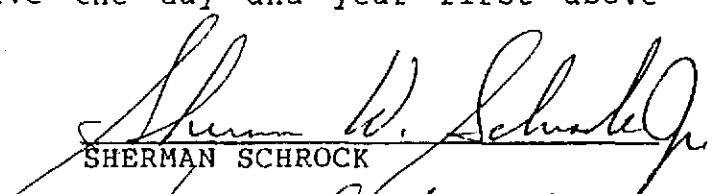
10. So long as the financial obligations for the operation of the system are current, the rights to water hereunder shall not be terminable, and each party shall be deemed the owner of a covenant running with the land in the system for the benefit of his respective parcel.

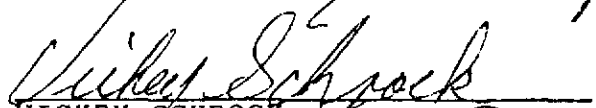
11. Any decision to hereafter further develop the spring area or convert to a subterranean water source in the area of the springs can only be made by a unanimous consensus of the parties hereto.

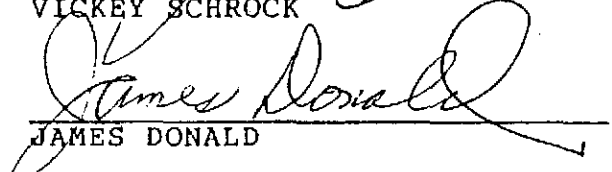
12. Donald covenants that in any subsequent sale of the property where the spring or part of the common system is located, that the parties hereto will be protected to the extent of their rights set out herein.

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


VICKY SCHROCK


JAMES DONALD


ELIZABETH DONALD

RECORDED

JUN 29 1990

Andrew Farmer
ANDREW FARMER

Nancy Farmer
NANCY FARMER

As the successors to the interests of Schrocks, 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. Kroeger
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.

RECORDED

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.

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 Thissen
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.

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JUN 29 1990

Dorene Thissen
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 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: Central Alsea, 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: Central Alsea, Id.
My commission expires: 4-4-91

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 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.

RECORDED

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.

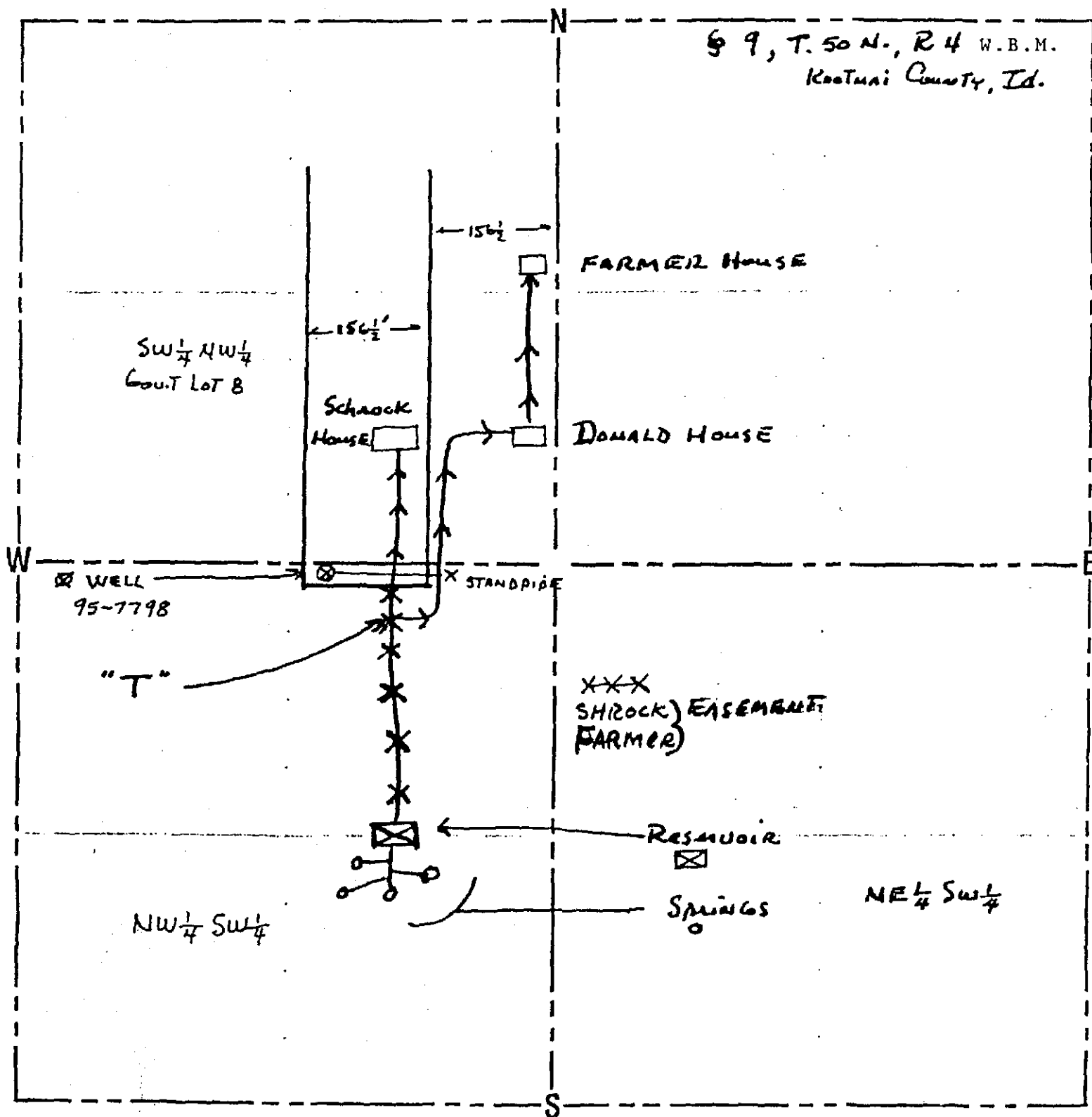

NOTARY PUBLIC FOR IDAHO
Residing at: Coeur d'Alene
My commission expires: 12-28-94

1687m

RECORDED

JUN 29 1990

EXHIBIT "A"



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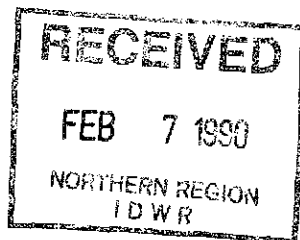
JUN 29 1990

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

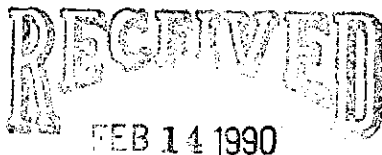


RE:

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

MICROFILMED

BY JOHN ROSHOLT

JUN 29 1990

CC: JAMES DONALD

1172202

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 VICKEY 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

Impester Kroeger

JAN 23 11 41 AM '90

SHERMAN SCHROCK
S. 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 Kiser
NOTARY PUBLIC FOR IDAHO
Residing at: Crossed Plains
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 Kiser
NOTARY PUBLIC FOR IDAHO
Residing at: Crossed Plains
My commission expires: 4-4-91

MICROFILMED

JUN 29 1990

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 Kiser
 NOTARY PUBLIC FOR IDAHO
 Residing at: Coeur d'Alene
 My commission expires: 4-5-91

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 Kiser
 NOTARY PUBLIC FOR IDAHO
 Residing at: Coeur d'Alene
 My commission expires: 4-5-91

2382m

MICROFILMED

JUN 29 1990

WRH100
95-7546

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

01 WATER RIGHT NUMBER - 95-7546

02 OLD (D) NUMBER -

03001 - DONALD LAST NAME

04001 - VAUGHN FIRST NAME

ORIG. OWNER
05001 - C

VERIFIED RDH
2/19/86

06 ADD LINE 1 - RT. 1 BOX 76

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - COEUR D'ALENE

10 STATE - ID

11 ZIP - 838140000

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 - .040

20 TOTAL DIVERSION VOLUME - 1.20

21 WATER DISTRICT -

TRACT

SEC

TWN

RNG

LOT

FLG

STREAM INDEX FIELDS

22001 - SWNW 23001 - 09 24001 - 50N 25001 - 04W 26001 - 08 27001 -

28001 - 0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

29 NON-IRRIGATION USE -

USE CODE / USE

TWN

RNG

PLACE OF USE
SEC

TRACT

ACRES

LOT

30001 - 43 DOMESTIC

31001 - 50N 32001 - 04W 33001 - 09 34001 - SWNW 35001 -

36001 - 08

TOTAL ACRES: 0

PERIOD FROM PERIOD TO

USE CODE / USE

WATER USE

DIVERSION RATE DIVERSION VOLUME

37001 - 0101 38001 - 1231

39001 - 43 DOMESTIC

40001 - 0.040 41001 - 1.20

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY - D A T E S - 22-JUL-1975

48 PROOF DUE -

55 LICENSE

D A T E S - 3-JUL-1976

63 TRANSFER/AMENDED

49 PROOF MADE -

56 APPL RECEIVED

64 DLE/CAREY ACT

50 APPROVE/DENIED -

57 FIELD EXAM MADE

65 FLAG-1

51 PROTESTED -

58 DECREE

66 FLAG-2

52 HEARING -

59 START WORK

67 FLAG-3

53 VERIFIED -

60 ORDER SHOW CAUSE

61 DATE-1

54 LAST UPDATE - 12-FEB-1986

62 DATE-2

July 8, 1976

Re: Permit No. 95-7546

Vaughn Donald
Route 1, Box 76
Coeur d'Alene, ID 83814

Dear Mr. Donald:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:mef

Enclosure

RECEIVED

APR 14 1976

Post office address Route 1, Box 76, Coeur d'Alene, ID 83814

Department of Water Resources
Phone Northern District Office

Person to contact _____ Phone _____

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 95-7546
Examination for b/u

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

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

Other Points of Diversions: _____

Description of diverting works: 132 foot, 6 inch well, 2hp pump

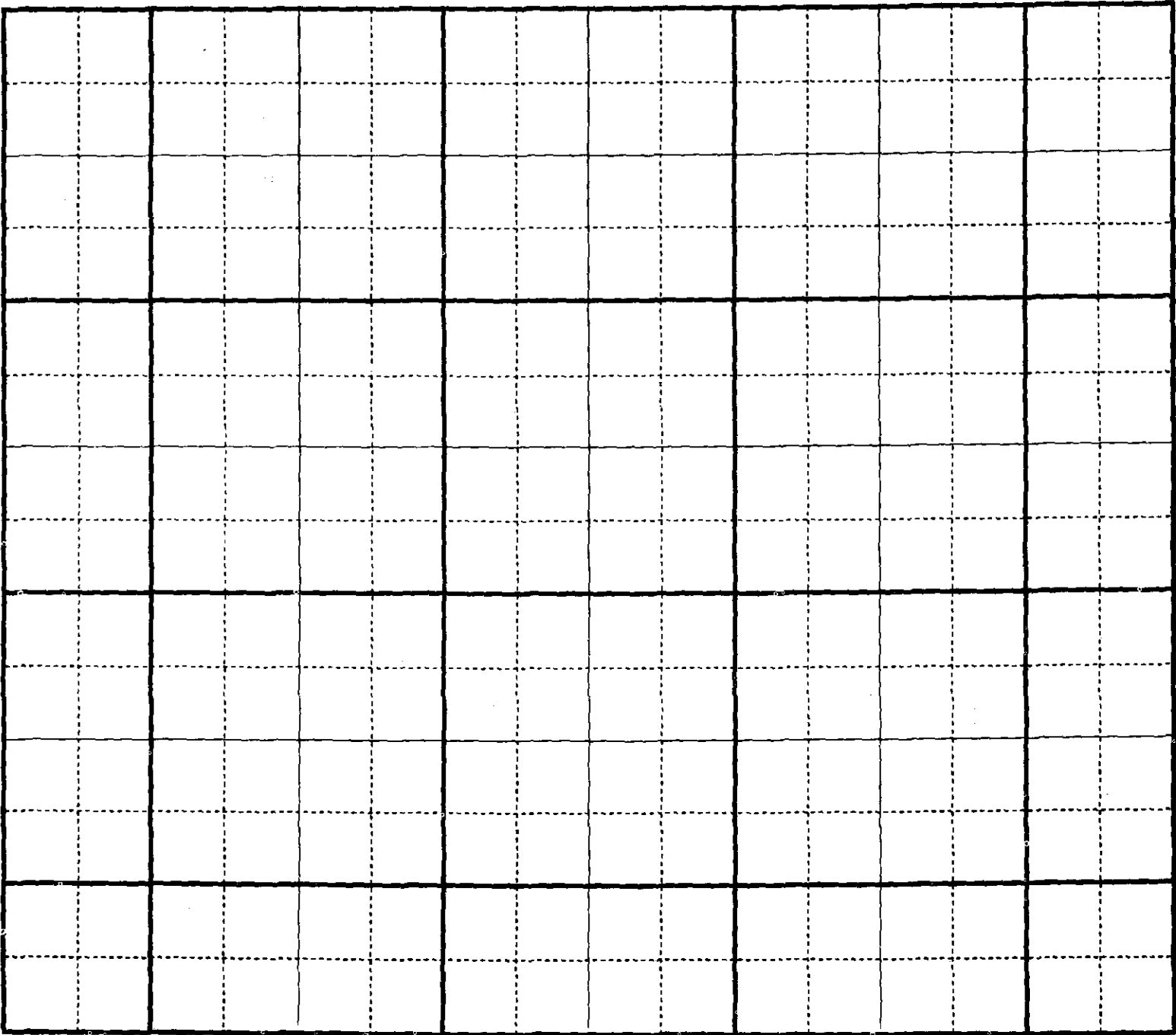
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____

Diagram of System



DATE OF EXAM 6-14-76

ACREAGE

Found less than 1 acre irrigated
Recommended 1.5

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.04 c.f.s. V= 1.2 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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 0.04 Method of measurement caldc

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

Total V recommended _____

Recommended Amendments:

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

MEASUREMENT CALCULATION:

1 household at 0.04 cfs

SYSTEM DESCRIPTION:

133' well, 6" dia, 2hp pump with pipe line to place of use

REMARKS:

Examiner's Signature John D. Kemp Date 6-14-76

Checked by Bob Haynes Date 6-17-76

Approved by _____ Date _____

April 12, 1976

Re: Permit No. 95-7546

Vaughn Donald
Route 1, Box 76
Coeur d'Alene, ID 83814

Dear Mr. Donald:

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 District Office in Coeur d'Alene.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

MAR 26 1976

okj

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Identification No. _____

Permit No. 95-7546

Department of Water Resources
Northern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Vaughn Donald
b) Post Office Address Route 1, Box 76, Coeur d'Alene, Idaho
2. Permit Number 95-7546
3. Date of Priority that you are prepared to establish 7-22-1975
4. a) Source from which water was appropriated Ground water
b) Location of the point of diversion: Gov't. Lot ~~xx~~ 8 ~~xx~~ Section 9
Township 50N, Range 4W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 cfs for Domestic purposes from Jan. 1 to Dec. 31 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 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: _____
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) 132 foot, 6 inch well, 2 h.p. pump.
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: Aqua Drilling Co., Completed 7-9-1975
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Water is used for domestic purposes for one household, within Gov't. Lot 8, Sec. 9, T. 50N, R. 4W, B.M.

Exam type 4-12-76

mf

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

3-26-76
(Date)

Vaughn Donald
(Signature)

State of Idaho)
County of Kootenai) ss.

On this 26 day of March, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert L. Humphrey
Notary Public residing at Coeur d'Alene

My commission expires 11-20-78

August 26, 1975

Re: Permit No. 95-7546

Vaughn Donald
Route 1, Box 76
Coeur d'Alene, ID 83814

Dear Mr. Donald:

Enclosed is a copy of your approved Application for Permit No. 95-7546. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure



DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 95-7546

☒ 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) SLP 7/22/75

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

(4) SLP 7/22/75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) CP 8/18

Affidavit of Publication received(date) Aug. 13, 1975

(12) CP 7/25

Final date for protests August 18, 1975
Protests received: yes _____ no ☒

(13) _____

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

(14) _____

Action recommended:

☒ Approve ☐ Deny

Proposed Priority 1-22-75

Reason for Reduction _____

NO Measuring device required

See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Haynes Date 8-15-75



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Route 5, Box 203
Suite #1
4055 Government Way

~~ROOM 2001~~
~~2001 ROOM 2001~~
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 25, 1975

Re: Application No. 95-7546 Claim No. 94-4025
" " 95-7547 " " 95-4342

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

Gentlemen:

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

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:CP

Enc: Legal Notice(s)

Bill: 8-18-75. 4

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Vaughn Donald,
Route 1, Box 76, Coeur d'Alene, Idaho
has on July 22, 1975 submitted Application No. 95-7546
for a permit to appropriate 0.04 cubic feet per second ~~above feet per second~~
of water from a ground water source
by means of well, pump, and motor
within the ~~xxx~~ Gov't. Lot 8, Sec. 9, T. 50N, R. 4W, B.M., Kootenai County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the ~~xxx~~ Gov't. Lot 8, Sec. 9, T. 50N, R. 4W, 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 August 18, 1975.

R. KEITH HIGGINSON
Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho
on July 31 and Aug. 7, 1975