

864058

WARRANTY DEED

16681

For Value Received Gary F. Miller and Tresia R. Miller, his wife

BOOK 310 PAGE 631

the grantors, do hereby grant, bargain, sell and convey unto
Gordon M. Hansen, Single, 2200 S. W. Barton, Apt 4, Seattle, Washington
98106

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

All that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho described as follows:
Commencing at a point on the East-West Centerline of Section 17 Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho which bears North 87°11'54" West a distance of 327.89 feet from the East Quarter Corner of said Section 17, said point being the Point of Beginning for this description; thence continuing along said centerline of Section 17, North 87°11'54" West a distance of 327.39 feet to a 5/8" iron rod at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Said Section 17; thence South 01°21'57" West along the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 a distance of 657.16 feet to a 5/8" iron rod at the Southwest corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; thence North 28°09'52" East a distance of 727.03 feet to the point of Beginning.
Contains 2.5 acres more or less

RESERVING FOR GRANTOR the perpetual, absolute, sole and exclusive right of use of the water well located approximately in the center of above described land. Included in this reservation is the perpetual easement rights to construct, install, maintain and/or replace pump, waterline or related equipment necessary to obtain and convey water North from said well to Grantor's adjoining property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all incumbrances except taxes and assessments for 1961 and thereafter; except Easements, reservations and/or restrictions in view or of record

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

Dated: January 2, 1981

Gary F. Miller
Tresia R. Miller

STATE OF IDAHO, COUNTY OF Kootenai
On this 2 day of January, 1981.
before me, a notary public in and for said State, personally appeared

Gary F. Miller
Tresia R. Miller

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

Residing at Coeur d'Alene, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF Kootenai

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

at 50 minutes past 2 o'clock p.m.,
this JAN 5 1981 day of
19, in my office, and duly recorded in Book
of Deeds at page

CAROL DEITZ

Ex-Officio Recorder

By *Kathy Joy* Deputy
Fees \$ 20
Mail to: Grantee above
MICROFILMED
DEC 29 1999

INSTRUMENT NO

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 12 1999

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that DAVID L Mallory & TRESIA R Mallory
(Name of Claimant)
52184 SIGNAL PT. RD Post Falls Idaho 83854 Telephone No: 208-773-5912
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) August 1, 1957
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

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

SPRINGtributary to N/A on Homestead AT 52184 SIGNAL PTSINKS

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

(cfs or af)

(Irrigation, Domestic, Stock, Etc.)

(Both dates inclusive)

(MM/DD) (MM/DD)

Quantity	<u>Domestic</u>	Use	<u>4 DOMESTIC</u>	Period of Use From	<u>1-1</u>	to	<u>12-31</u>
Quantity	<u>Domestic</u>	Use	<u>1 GALLON MINUTE</u>	Period of Use From	<u>1-1</u>	to	<u>12-31</u>
Quantity		Use	<u>500 GALLONS</u>	Period of Use From		to	
Quantity		Use		Period of Use From		to	

4. 0.01 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE 1/4 of SE 1/4 of Govt. Lot
Sec. 17 Township 50 N Range 5 W B.M., Kootenai County; additional points of diversion, if any: CISTERN and 1,600 FT OF PIPELINE

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

one end pipe line buried three feet down center of Road.
Spring in cement cistern

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[illegible]

NOTE: Include here the type and number of stock watered: 3 Stock

8. **Map** - Attach an 8 1/2"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

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 affiant's knowledge.

My commission expires: 11/10/2007

Residing at: COTA

Notary Public

MICROFILMED

DEC 29 1995

STATE OF IDAHO
NOTARY PUBLIC

Received by	9/8/99	9/8/99	9/8/99
Prelim. check by			
Fee	100	100	100
Receipt #	11321	11321	11321
Receipt prepared by	DB	DB	DB
Date	9/8/99	9/8/99	9/8/99
Published in	Environ 10/7+14/99	Environ 10/7+14/99	Environ 10/7+14/99
Publication dates	10/7/14/99	10/7/14/99	10/7/14/99
Publication checked by			
Exceptions filed			

Received by MSA Date 9/8/99
Prelim. check by DB Date 9/8/99
Receipt # 10321 Date 9/8/99
Receipt prepared by DB Date 9/8/99

Published in Can Fam 10/7+14/99
Publication dates 10/7/14/99
Publication checked by P Date 10/19/99
Exceptions filed by _____

864058

WARRANTY DEED

16681

For Value Received Gary F. Miller and Tressia R. Miller, his wife

BOOK 310 PAGE 631

the grantors, do hereby grant, bargain, sell and convey unto
Gordon M. Hansen, Single, 2200 S. W. Barton, Apt 4, Seattle, Washington
98106

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

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Commencing at a point on the East-West Centerline of Section 17 Township 50 North, Range 5 West, Boise Meridian, Kootenai County, Idaho which bears North 87°11'54" West a distance of 327.89 feet from the East Quarter Corner of said Section 17, said point being the Point of Beginning for this description; thence continuing along said centerline of Section 17, North 87°11'54" West a distance of 327.39 feet to a 5/8" iron rod at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Said Section 17; thence South 01°21'57" West along the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 a distance of 657.16 feet to a 5/8" iron rod at the Southwest corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17; thence North 28°09'52" East a distance of 727.03 feet to the Point of Beginning.
Contains 2.5 acres more or less

RESERVING FOR GRANTEE the perpetual, absolute, sole and exclusive right of use of the water well located approximately in the center of above described land. Included in this reservation is the perpetual easement rights to construct, install, maintain and/or replace pump, waterline or related equipment necessary to obtain and convey water North from said well to Grantor's adjoining property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all incumbrances except taxes and assessments for 1961 and thereafter; except Easements, reservations and/or restrictions in view or of record

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

Dated: January 2, 1981

Gary F. Miller
Tressia R. Miller

STATE OF IDAHO, COUNTY OF Kootenai

On this 2 day of January, 19 81.
before me, a notary public in and for said State, personally
appeared

Gary F. Miller
Tressia R. Miller

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

Residing at Coeur d'Alene, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF Kootenai

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

at 50 minutes past 2 o'clock p.m.
this JAN 5 1981 day of
19 in my office, and duly recorded in Book
of Deeds at page

CAROL DEITZ

Ex-Officio Recorder

By *Kathy Ray* MICROFILMED Deputy

Fees \$20
Mail to: Grantee above DEC 29 1999

INSTRUMENT NO

I, Gary F. Miller, hereby grant and convey unto Tresia Mallery and David Mallery the perpetual, absolute, sole and exclusive right of use of the water well located approximately in the center of above described land. (As described in the attached copy of Warranty Deed 864058 recorded in Kootenai County, Idaho on 01/05/81) Included in this reservation is the perpetual easement rights to construct, install, maintain and/or replace pump, waterline or related equipment necessary to obtain and convey water North from said well to Grantor's adjoining property.

Signed,

Gary F. Miller 9-8-99

Gary F. Miller
09/08/99

Filed for Record at Kootenai County, Idaho at _____ minutes past _____ o'clock am/pm this _____ day of _____.

Attachment

Don M. Nelson
9/8/99

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DEC 23 1999

State of Idaho
Department of Water Resources

RECEIVED

NOV 12 1999

CLAIM ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: AB

Right Number

95-04738

Applicant

MALLERY

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- CA/zhury/ok

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By

AB

Date

10/19/99

10/25/99

AB 10/28/99

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By

Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

Dirk Kempthorne
Governor

KARL J. DREHER
Director

OCTOBER 27, 1999

TRESIA R MALLERY
DAVID L MALLERY
S 2184 SIGNAL POINT RD
POST FALLS, ID 83854

Re: Claim No. 95-04738

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

ROBERT G. HAYNES, P. E.
Manager, Northern Regional Office

RGH:db

Enclosure

MICROFILMED

DEC 29 1999

OCT 19 1999

AFFIDAVIT OF PUBLICATION

IDWB/North

STATE OF IDAHO,
County of Kootenai } ss.*Shirley Walker* 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 *Legal 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 *7* day of *October*, 19 *99*, and ending on the *14* day of *October*, 19 *99*, 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.

Shirley Walker
Subscribed and sworn to before me this *14* day of *October*, 19 *99*.

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

MY COMMISSION EXPIRES 6/18/03

NOTICE OF CLAIMS TO WATER RIGHT

The Following claims(s) have been filed on water rights created by diversion and beneficial use:

95-04738

MALLERY, TRESIA R
MALLERY, DAVID L
S 2184 SIGNAL POINT RD
POST FALLS, ID 83854
Source: SPRING
Diversion Pt: NESE
Use: STOCKWATER
DOMESTIC

Tributary: SINKS
Sec 17 T 50N R 05W in KOOTENAI County.
(0.010 CFS)
(0.010 CFS)
(0.010 CFS)

Claimed Priority: 8/1/1957
In: KOOTENAI County
T50N R05W S17

Total Diversion:
NESE

95-04739

MURPHY, GEORGE
MURPHY, LYNDA L L
2651 E BADGER RD
HARRISON, ID 83833
Source: SPRING
Diversion Pt: LOT 1 (NWNWNW)
Use: STOCKWATER
DOMESTIC

Tributary: COEUR D ALENE LAKE
Sec 33 T 49N R 03W in KOOTENAI County.
(0.040 CFS)
(0.040 CFS)
(0.040 CFS)

Claimed Priority: 9/3/1969
In: KOOTENAI County
T49N R03W S32

Total Diversion:
(SWNE)

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814.

KARL J. DREHER, Director

Legal 948
October 7, 14, 1999

95-04738

MALLERY, TRESIA R
MALLERY, DAVID L
S 2184 SIGNAL POINT RD
POST FALLS, ID 83854

Source: SPRING

Tributary: SINKS

Diversion Pt: NESE Sec 17 T 50N R 05W in KOOTENAI County.

Use: STOCKWATER	(	0.010 CFS)
DOMESTIC	(	0.010 CFS)
Total Diversion:	(	0.010 CFS)

Claimed Priority: 8/ 1/1957

In: KOOTENAI County
T50N R05W S17 NESE

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DEC 29 1999

WR0749NP
No. 95-04738

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/17/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TRESIA R MALLERY	08/01/1957	STOCKWATER	01/01 12/31	0.010 CFS	
C	DAVID L MALLERY		DOMESTIC	01/01 12/31	0.010 CFS	
	S 2184 SIGNAL POINT RD					
	POST FALLS ID 83854					
	(208) 773-5972					
				TOTAL DIVERSION:	0.010 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: APPLICATION

Point(s) of Diversion: T50N R05W S17 NESE KOOTENAI County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
50N 05W 17 :															

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: KOOTENAI

Remarks: GEN Stockwater use is for 3 horses.
Domestic use is for 1 home.

Dates: App. Received: 09/08/1999 Priority Date: 08/01/1957
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/17/1999 User-ID: DBALL Subject: Diversion works.
Spring in cement cistern, 1600 ft of 1 inch buried pipeline.

Audit: 09/17/99 DBALL