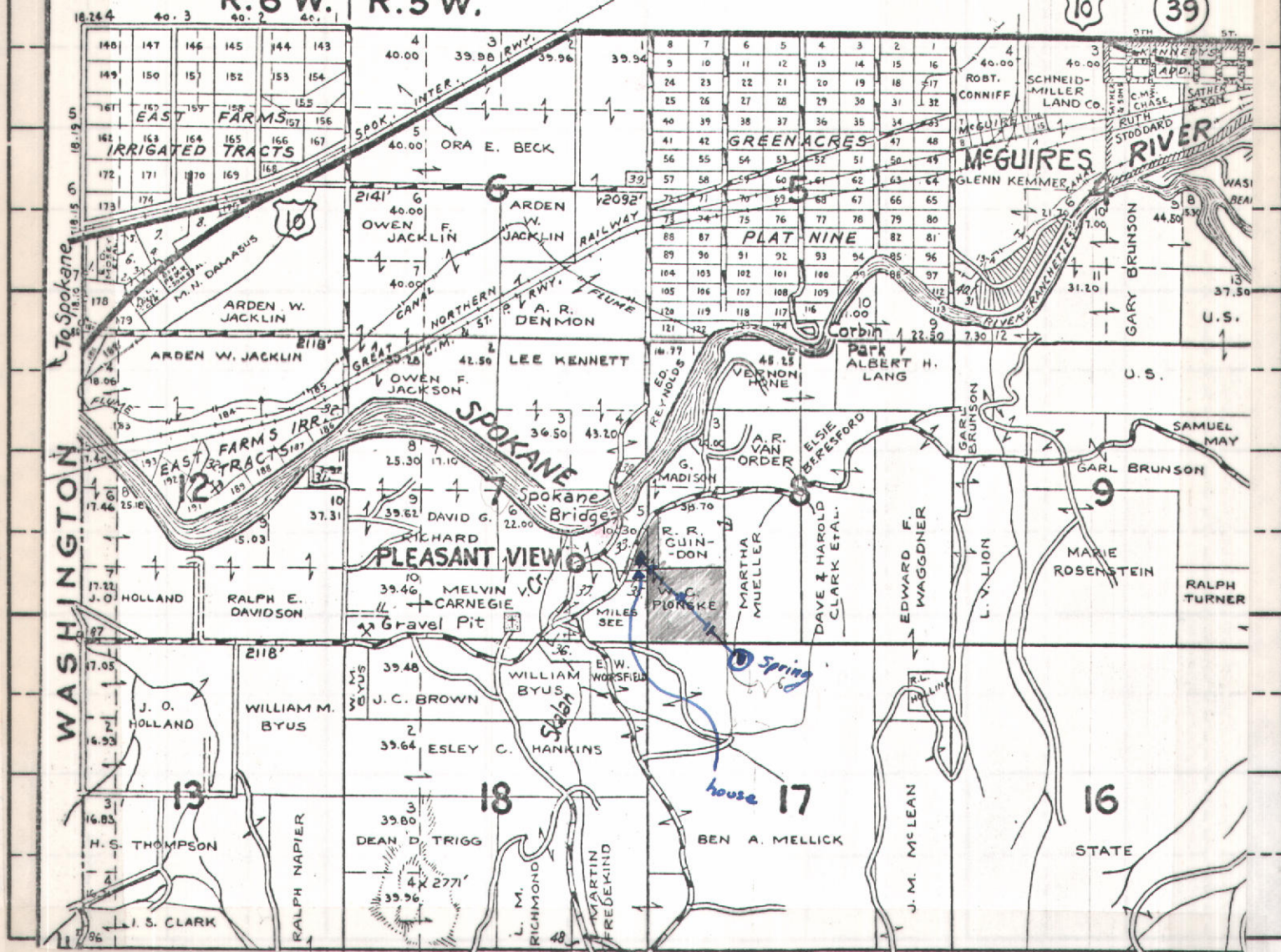
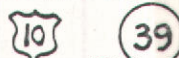


FOR SALE BY

111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

KOOTENAI:



Scale: 2 inches equal 1 mile.

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

State of Idaho

SS.

County of KOOTENAI

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

Delvina Deas
(Claimant)

(Claimant)

Sworn to before me this 29TH day of OCTOBER, 19 73.

Corda M. Roberts
Notary Public

Notary Public

Residing at COEUR D'ALENE ID

My commission expires SEPT. 11, 1974

For Department Use Only

Received by <u>FE</u>	Date <u>10/29/23</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>F. E.</u>	Date <u>10/29/23</u>		claimant by:	
\$10.00 fee received by <u>FE</u>	Date <u>10/29/23 # 12230</u>			
Approved for publication by <u>F.E.</u>	<u>10/29/23</u>			
Published in <u>POST FALLS TRIBUNE</u>				
Dates <u>11-8 & 11-15-23</u>				

95 4167

Section 42-225a, Idaho Code

- Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(name of claimant)

ground water or surface water tributary to _____

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|-------------------|----|------------------------|
| Amount | <u>0.02 cfs</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: | From | <u> </u> | To | <u> </u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- Additional points of diversion:**

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Developed spring with pipeline leading to a cement cistern then to a pressure system located in the basement.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres

Spring is used for domestic purposes for one household.

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

TOWNSHIP 50

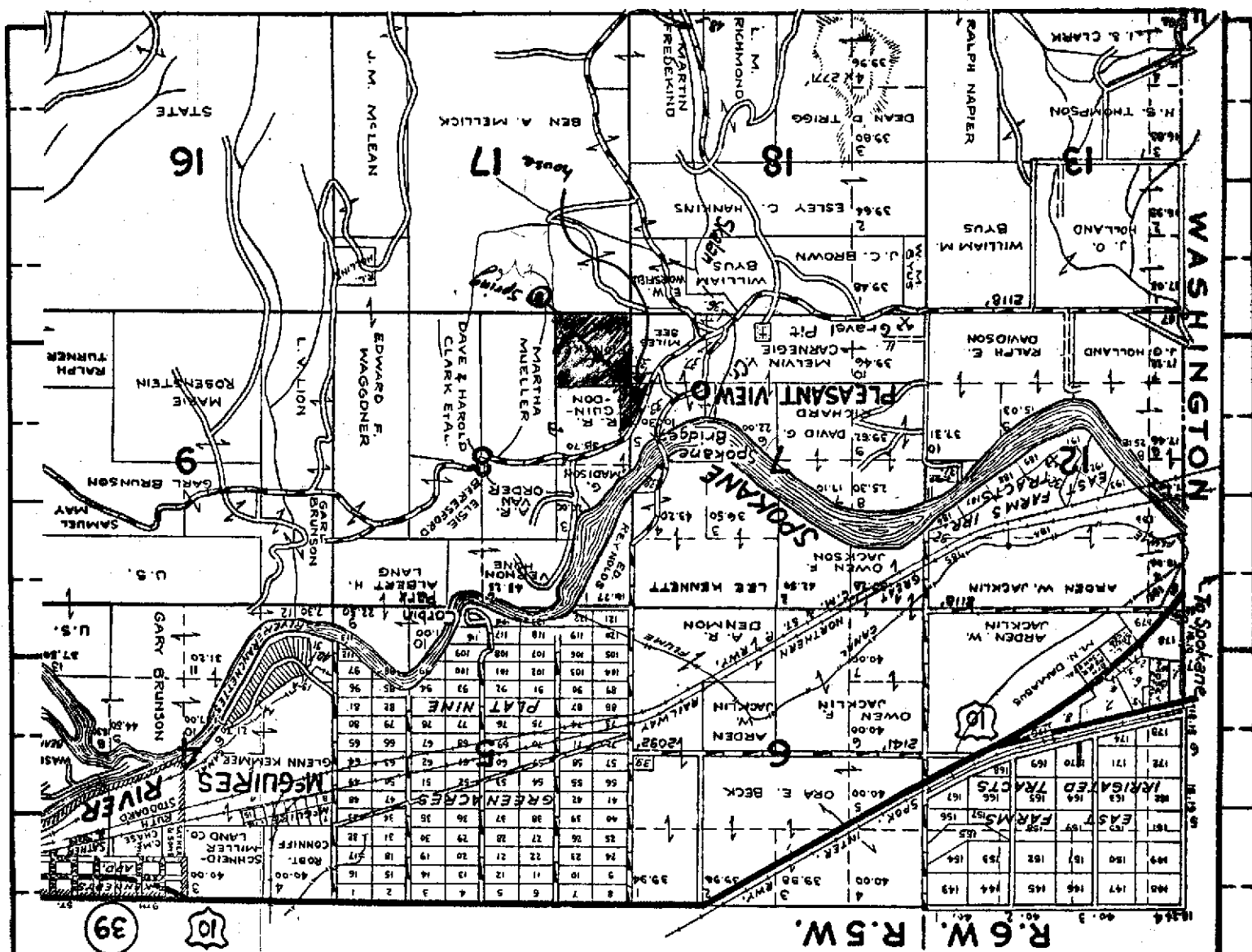
KOOTENAI

111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

METSKER MAPS

FOR SALE BY

SCALE 2 IN. = 1 MILE



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

State of Idaho

ss.

County of Kootenai

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.

Sworn to before me this 29TH day of

OCTOBER

(Claimant), 19 73

Notary Public

Carla M. Roberts

Residing at Coeur d'Alene, ID

My commission expires

Sept. 11, 1974

For Department Use Only

Received by 78. 23 Date 10/29/73 Exception filed by: Forwarded to Date
Prelim. check by 78. 23 Date 10/29/73 claimant by:
Approved for publication by 78. 23 Date 10/29/73 & 12230
Published in Post Falls Tribune 10/29/73
Dates 11-8 & 11-15-73

95 4157

NOTICE OF CLAIM

TO A WATER RIGHT [

No. **95-4167**

Notice is hereby given that Arlie C. &/or Delvina Dust, Route No. 2, Post Falls, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of (approx.) 1913; the place of use is within Gov't. Lot 5, Sec. 7, T. 50N, R. 5W, B. M.

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

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on Nov. 8 and Nov. 15, 1973.

11-8 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

DOUGLAS R. ROSIN

~~XXXXXXXXXXXXXXXXXXXX~~ being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the **NOTICE OF CLAIM TO A WATER RIGHT**
No. **95-4167**

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **two** consecutive issues, commenc-

ing with the issue dated **November 8**, 19 **73**
and ending with the issue dated **November 15**, 19 **73**

Douglas R. Rosin

Subscribed and sworn to before me, this **15th**
day of **November**, 19 **73**

E. Agnes Luckman

Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ **12.95**
(35)

95 4167

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

December 6, 1973

Re: Claim to a Water Right No. 95-4167

Arlie C. &/or Delvina Dust
Route #2, Box 339
Post Falls, ID 83854

Dear Mr. & Mrs. Dust:

We have received your letter of November 21, 1973, and have filed it accordingly with the other information you submitted in your Claim No. 95-4167.

A Claim filed with our Department does not in any way grant or confirm a water right. The Claim does record evidence and does serve for informational purposes, which can be used to support and help verify your Constitutional Water Right developed through past diversion and beneficial use.

We hope this better explains the purpose of the Claim, and if you should have any further questions, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp

95-4167

Post Falls Idaho
RECEIVED
NOV 20 1973

Department of Water Administration

NOV 30 1973

Dear Sirs:

In regards to a water right claim receipt No. 12229. The water source being a spring located upon the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 17 Twp. 50. N. R. 5, W. B. M. and being located at a point 192 ft. south of a point on the north section line of said N.W. $\frac{1}{4}$, 543.5 ft. west of the N.E. corner of said N.W. $\frac{1}{4}$.

This description taken from a deed we have to said spring.

Our claim is being protected by a newly formed organization that wants to restore an old school house that the water went to years ago. The school has ~~not been~~ been used since 1942. The have used this water since 1958 and there is just barely enough water for our use much less sharing with some one

95-4167 ~~RECEIVED~~

else. I have checked with
school district 273 Post Falls
if they have a water right
for this building and records
show they never had one just
this deed that we have.

Do hope you can see our
side and help us receive our
claim.

Thank you.

Arlei C. & Delvina Dush

Rt. 2 Box 339

Post Falls

Idaho.

83854

95-4167

~~20-7-1935~~

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

January 29, 1974

OK to file
BDP

Re: Claim to a Water Right No. 95-4167

Arlie C. &/or Delvina Dust
Route 2
Post Falls, ID 83854

Dear Mr. and Mrs. Dust:

In reference to the above claim, the enclosed is a copy of an exception filed by the Pleasantview Community Association, Inc. in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

bcc: Boise ✓

95-4167

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

January 29, 1974

Re: Claim to a Water Right No. 95-4167 - Arlie C. &/or Delvina Dust

Glen E. Madison, President
PLEASANTVIEW COMMUNITY ASSOCIATION, INC.
Route 2, Box 304
Post Falls, ID 83854

Dear Mr. Madison:

We have received your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

bcc: Boise ✓

95-4167

RECEIVED

JAN 22 1974

Re: Claim to a Water Right No. 95-4167

Department of Water Administration
Spokane District Office

The Pleasantview Community Association, Inc. (Exhibit "C") hereby wish to let it be known that they also have rights and title to use the waters from the Unnamed Spring originating at the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 50N, R. 5W, B.M., Kootenai County, and that this Spring was originally used for the District No. 42 schoolhouse. Their Association now owns the school building and that water rights belonging to the school were transferred to their Association at the time of sale (See attached Quitclaim Deed). Exhibit "A" and "B".

The Pleasantview Community Association, Inc. would hereby wish to let it be known that they do have an established easement to enter upon the property now owned by the Claimant, to maintain and repair the pipeline which runs across the Claimant's property and onto the Association's property (See exhibit "D").

Signed this 18TH day of JANUARY, 1974. X Glen E. Madison
President

Subscribed and sworn to before me this 18TH day of JANUARY, 1974.

Corda M. Roberts
Notary Public
Residing at COEUR D'ALENE

My commission expires: SEPT. 11, 1976

OK.
J.E. 1/25/74

95-4167

Exhibit "A"

Community Board, Successors of
School Board Dist #42, Post Falls,
Kootenai County, Idaho,

No. 101

Quit Claim Deed
Dated March 24 1942

Filed for record Apr. 4 1942 at 10:15 AM

Book 117 deeds, page 207

Consideration \$ 1.00

Signatures sealed.

Inst. No. 144390

Grantee: W.F.Plonske and Nancy Plonske,

Witnesses: None.

Acknowledged March 28 1942 before W.F.Chapin
of Kootenai County, State of Idaho

residing at

Notary Public
Seal.

Granting words: Demise release and forever quit claim.

Description: The following described land situated in Kootenai County, State of Idaho, to-wit:

Allof the propertyholdings of Independent School Dist #42 whatsoever.

Excepting the following. Beginning 14 rods west of the NE corner
of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7 T.50 N.R.5 W.B.M. where the said
 $\frac{1}{4}$ section line intersets the Post Falls road, thence east 175 feet,
thence south to the McNall line, thence west to Post Falls road,
thence North East along said road to place of beginning, being the
part where the old School House stands, which is to be maintained
as Community Property, together with right to use water for
Domestic use from hydrant east of building.

Geo. A.Peters,

Ray Debord,

Edward F.Bierman.

95-4167

QUITCLAIM DEED

For Value Received, POST FALLS SCHOOL DISTRICT NO. 273, the successor in interest to the Trustees of School District No. 51 and Independent School District No. 42, does hereby convey, release, remise and forever quitclaim unto the PLEASANTVIEW COMMUNITY ASSOCIATION, INC., an Idaho Corporation, Box 304, Route 2, Post Falls, Idaho, for use as a community center to serve the Pleasantview Community, Kootenai County, Idaho, the following described premises to-wit:

All that portion of the SE1/4SE1/4 of Section 7, Township 50 North, Range 5 W.B.M., Kootenai County, State of Idaho, described as follows:

Beginning at the intersection of the North line of said SE1/4SE1/4, and the Post Falls Road; thence

East 175 feet; thence

South 198 feet, more or less, to the North line of the parcel described in the deed to J. G. Williams, recorded in Book 29, Deeds, page 539, records of Kootenai County, Idaho; thence

West, along said North line of the Williams parcel to the Post Falls Road; thence

Northeasterly along said Post Falls Road to the Point of Beginning.

Together with their appurtenances.

PROVIDED HOWEVER that the property conveyed be used solely for a community center to serve the Pleasantview Community, Kootenai County, Idaho; and if at any time said property ceases to be used for such purpose or upon the dissolution of the PLEASANTVIEW COMMUNITY ASSOCIATION, INC., said property shall revert to the grantor, its successors, or assigns, and it shall be lawful for the grantor, its successors, or assigns to re-enter and repossess said property, and thereafter to peaceably hold and enjoy the same.

DATED this 10th day of September, 1973.

Richard Schneidermiller
Chairman, Board of Trustees

Ernest J. Johnson
Secretary, Board of Trustees

STATE OF IDAHO

County of Kootenai

ss.

On this 10th day of September, 1973, before
me a Notary Public for the State of Idaho, personally appeared
Gladys Schneidmiller and Evelyn Johnson,
known to me to be the Chairman and Secretary respectively of the
Board of Trustees, Post Falls School District No. 273, that executed
the said instrument, and acknowledged to me that the Post Falls
School District No. 273 executed the same.

James L. Russell
Notary Public for Idaho
Residing at Coeur d'Alene
Commission expires 4/25/76

B Y L A W S

of

PLEASANTVIEW COMMUNITY ASSOCIATION, INC.

ARTICLE I.

NAME AND PURPOSE.

The name of this corporation shall be PLEASANTVIEW COMMUNITY ASSOCIATION, INC., and the purposes for which it has been incorporated are those set forth in the Articles of Incorporation.

ARTICLE II.

MEMBERSHIP.

Each individual who is eighteen (18) years of age or older, and who resides within the exterior boundary of the area designated as the "Pleasantview Community" as set forth on the map attached to these Bylaws, shall be eligible for membership in this corporation.

A membership certificate shall be issued to each individual upon payment of an initial membership fee in the sum of \$_____, and shall entitle the member to exercise and enjoy all rights, privileges and interest in the corporation during the calendar year for which paid and for which the membership certificate is issued; membership certificates shall be renewable annually by the payment of annual dues of \$_____.

Failure to pay the annual dues by the second Wednesday of January of each year, shall cause said member's right and interest

to be terminated. An individual's rights who have been terminated may become a member of the corporation by again paying initial membership fee.

ARTICLE III.

MEETINGS.

The annual meeting of the members of this corporation shall be held at the Pleasantview School, Kootenai County, Idaho, at 7:00 o'clock p.m. on the second Wednesday of January of each year, or at such other places and at such times as they shall appoint, and at which time they shall elect a board of directors consisting of five (5) members for the ensuing year, and shall transact such other business as shall properly come before them.

Notice of the time and place of holding of such annual meeting, or any special meeting, shall be given by publication at least two (2) weeks prior to said meeting in a newspaper of general circulation within Kootenai County, Idaho, and also by posting a like notice in a conspicuous place on or in the building where such meeting is to be held for the same length of time.

A special meeting of members may be called at any time at the request of three (3) or more directors or at the request of one-third of the members. Such meeting shall be called by the Secretary by publishing the same as aforesaid, and including in the notice a statement of the object of the special meeting. No other business shall be transacted at a special meeting except such as is specified in the notice.

The members present at any meeting of the members of this corporation shall constitute a quorum at any meeting of the corpora-

95 4167

tion for the transaction of business. The voting powers of the members of this corporation shall be equal, each member shall have one (1) vote only, and shall be entitled to vote in person only and not by proxy.

ARTICLE IV.

DIRECTORS.

The directors shall hold their meetings at the Pleasantview Schoolhouse in Kootenai County, Idaho, or at such other places and at such times as they shall appoint. Special meetings may be called by the President by giving one day's notice to each director. A majority of the directors shall constitute a quorum.

The directors shall have the general management and control of the business and affairs of the corporation.

ARTICLE V.

OFFICERS.

The officers of this corporation shall consist of a President, a Vice-President, and a Secretary and a Treasurer, and such other officers and agents as may from time to time be chosen. One person may act as both Secretary and Treasurer.

The President shall preside over all meetings of directors and stockholders and shall have general control over the affairs of the corporation, subject to the directors.

The Vice-President shall perform such duties as may be assigned to him by the Board of Directors. He shall, in case of death, disability or absence of the President, perform and be vested with all of the later's duties and powers.

The Secretary shall sign all membership certificates, and shall keep a record of all votes and minutes of the proceedings, of all membership and directors meetings, and shall give notice as required by these Bylaws of all meetings of the members. He shall have custody of all books, records and papers of the corporation, except such as the treasurer shall have charge of.

The Treasurer shall keep accounts of all monies of the corporation received or disbursed, and shall deposit all monies and valuables in the name of and to the credit of the corporation at such bank or depositories as the directors shall designate. Disbursement shall be made by checks, only, and only upon the signatures of two (2) of the above named officers.

ARTICLE VI.

VACANCIES.

In case of death, disability, resignation or otherwise of one or more of the officers or directors, the remaining directors, although fewer than a quorum, shall fill the vacancies for the unexpired term.

ARTICLE VII.

AMENDMENT OF BYLAWS.

Any of these bylaws may be amended by majority vote of the board of directors or by a majority vote of the members at any annual or special meeting called for that purpose. All amendments made by the directors shall be subject to amendment, alteration and repeal by the members.

ARTICLE VIII.

FISCAL YEAR.

The fiscal year and the membership year of the corporation shall be the calendar year. There shall be no proration of membership dues for partial years.

KNOW ALL MEN BY THESE PRESENTS:

That I, the undersigned Secretary of Pleasantview Community Association, Inc., a corporation, do hereby certify that the foregoing Bylaws were adopted as the Bylaws of said corporation on the ____ day of _____, 197____.

Secretary

This agreement made and entered into this ¹⁶ day of March, 1912, by and between John Friesier, party of the first part, and Independent School District Number 51 of Kootenai County, Idaho, a body corporate, party of the second part, witnesseth:

That for and in consideration of the sum of \$500 in hand paid unto the said party of the first part by the said party of the second part, said payment to be made as hereinafter set forth, the party of the first part agrees to do and perform all and singular the covenants and agreements as hereinafter set forth to be by him done and performed and further agrees to convey to said second party by a good and sufficient warranty deed, and second party agrees to purchase from first party, the following described spring, lands, water, water rights and easements situate in the County of Kootenai, State of Idaho, and more particularly described as follows, to-wit: that certain live spring located 192 feet south of a point 543.5 feet west of the ^{1/4 section} quarter corner between sections 8 and 17, township 50 north, range 5, W.B.M., Kootenai County, Idaho, together with the land upon which said spring is located in sufficient quantity and amount to admit of the construction of a reservoir of a reasonable and practicable size for retaining and confining the waters of said spring, the size of said reservoir to be determined by said second party, and the waters and water rights appurtenant thereto; and as a part of said consideration first party agrees to convey to second party an easement and right through and across the land of said first party, to-wit, through and across the ^{North East} Northwest quarter of section 17, township 50 N. Range 5. W.B.M., or a sufficient portion thereof as shall be found to be necessary for the construction of a pipe line from said spring across said quarter section belonging to said first party, said easement to cover so much and such portion of said land as shall be found practicable, necessary and most convenient for the constructing and laying of said pipe line to be determined from the line run by the surveyor on behalf of said second party.

It is further understood and agreed by and between the parties hereto that provided second party shall determine that the location of the spring as aforesaid is not the true source of said spring, second party shall have the right to pursue the vein or course of the water furnishing the supply of the spring as aforesaid to its true source and at its option have the necessary tract of land, water, and water rights located thereon and appurtenant thereto, conveyed to it in lieu of the spring, land, water and water rights above described together with the easement and right to construct and lay the pipe line aforesaid from the present location of said spring to said true source thereof.

It is further agreed by and between the parties hereto and as a part of the consideration hereof that the party of the first part shall on or before the first day of July, 1912, dig the ditch or trench and lay therein the pipe for the conducting of said water from the said spring to the school house belonging to said second party located in the Northwest ^{East} corner of the South ^{East} quarter of the South ^{East} quarter of Section 7, Township 50, N. R. 5, W.B.M. and along the line located by the surveyor of the said second party as shown by the blue print to be furnished first party by second party; that said pipe shall be laid beneath the surface in no place to a depth of less than three feet, that each and every joint in said pipe shall be wiped with white lead before same shall be joined; that first party shall cover said pipe to a depth of fully three feet, provided, however, that before covering said pipe first party shall notify second party that the pipe has been laid and is ready for the inspection thereof by the Board of Trustees of said second party, and that said pipe shall not be covered by first party until same has been duly inspected and approved by said Board of Trustees of said second party; that second party shall furnish the pipe and deliver same along the line of said ditch or trench on or before the completion thereof by first party.

It is further agreed that first party shall construct a temporary reservoir at the present location of said spring and connect said pipe line with an intake therefrom; and that when second party shall have ascertained the true source of supply of the waters of said spring and the true location of said spring, and shall have exercised their option of locating the spring at its true source and location, or shall have determined that the aforesaid location is its true location; then shall first party construct a cement reservoir of reasonable size and dimensions to be determined by said second party at such true location to be so determined and first party shall construct an intake for said pipe line in said reservoir and extend said pipe line in manner and form as aforesaid and connect same with said permanent intake in said permanent reservoir, subject to the conditions prescribed in regard to the laying of the main pipe line as aforesaid.

It is further agreed by and between the parties that second party shall furnish the white lead necessary for the wiping of the joints in said pipe line, and shall furnish the cement for the construction of the said reservoir and deliver the same at the site of said reservoir.

That all the work done or performed by first party shall be done and performed in a good, workmanlike manner and at all times subject to the inspection and approval of the Board of Trustees of said second party.

The terms of payment as aforesaid shall be as follows, to-wit: Fifty Dollars (\$50.) to be paid first party upon the execution of this contract, the receipt whereof is hereby acknowledged, Four Hundred Fifty Dollars (\$450.) upon the completion of the above mentioned work and construction and acceptance thereof by the Board of Trustees of said second party and delivery to second party of said deed of conveyance to the land upon which the true location of said spring is finally determined to be, together with the

water and water rights appurtenant thereto and of the easements and rights necessary for the construction, maintenance and repair of said pipeline.

IN WITNESS WHEREOF the parties hereto have affixed their respective signatures the day and year first above written.

W. H. Plonka, Treas. *J. T. Frasier*
Party of the first part.

L. V. Lyon Independent School District No. 51
of Kootenai County, Idaho.

By *Chas Waggoner*
Chairman

and By *E. H. Riemann*
Clerk.

STATE OF IDAHO,)
COUNTY OF KOOTENAI,) SS.

On this day of March in the year 1912, before me
....., a Notary Public, personally
appeared John Frasier, known to me to be the person whose name is
subscribed to the within instrument as party of the first part,
and acknowledged to me that he executed the same.

Notary Public.

STATE OF IDAHO,)
COUNTY OF KOOTENAI,) SS.

On this.... day of March in the year 1912, before me
....., a Notary Public, personally ap-
peared Charles Waggoner, known to me to be the Chairman of the Board
of Trustees of Independent School District No. 51 Of Kootenai County,
Idaho, the body corporate that executed the instrument as party of
the second part, and acknowledged to me that such body corporate
executed the same.

Notary Public.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

November 26, 1973

Re: Claim to a Water Right No. 95-4167

Arlie C. &/or Delvina Dust
Route #2
Post Falls, ID 83854

Dear Mr. & Mrs. Dust:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

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

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

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosure

95 4167

November 2, 1973

Re: Claim No. 95-4165	95-4168	95-4171
Trans.No. 95-4165	95-4169	95-4172
Claim No. 95-4167	95-4170	95-4173

Post Falls Tribune
Box 68
Post Falls, ID 83854

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 11-26-73 by CP

FE:CP

Enc: Legal Notices (9)

95 4167

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4167

Notice is hereby given that Arlie C. &/or Delvina Dust,
Route #2, Post Falls, Idaho
have ~~xxx~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.02 cubic feet per second ~~acres feet per annum~~
of water from an Unnamed Spring
with point of diversion in the NE1/4, Sec. 17, T. 50N, R. 5W, B.M.,
Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes
with a priority of (approx.) 1913;
the place of use is within ~~the~~ Gov't. Lot 5, Sec. 7, T. 50N, R. 5W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Post Falls Tribune, Post Falls, Idaho
on Nov. 8 and Nov. 15, 1973

95 4167

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 95-4167

Notice is hereby given that Arlie C. &/or Delvina Dust, Route No. 2, Post Falls, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.02 cubic feet per second of water from an Unnamed Spring with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of (approx.) 1913; the place of use is within Gov't. Lot 5, Sec. 7, T. 50N, R. 5W, B. M.

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

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on Nov. 8 and Nov. 15, 1973.

11-8 2tc

C.K.
11-8-73
CP

95 4167