









Spring 1987



where coffee was

(8) Remarks _____

Sec. 19
T 36N R 36E

+ RD.
E
D/U

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 _____)

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 _____ day of _____, 19____.

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
 Prelim. check by _____ Date _____
 \$30.00 fee received by _____ Date _____
 Published in _____
 Dates _____

Exception filed by:

Forwarded to Date
claimant by:

MAR 03 1988

THIS INDENTURE, Made this Twenty Sixth day of March in the year of our Lord one thousand one hundred and twenty one between Phoebe C. Carr, a widow, of Crofton County of Clearwater State of Idaho, the party of the first part, and Harner L. Carr,

of Crofton County of Clearwater State of Idaho, the party of the second part. WITNESSETH:

That the said part of the first part, for and in consideration of the sum of One Dollar and other valuable presents to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said party of the second part, and to his and assigns forever, all the following described real property, situate in Clearwater County, State of Idaho, to-wit: Northwest quarter of the Southeast quarter of Section Twenty Four, in Township Thirty Six North of Range Two East, and the Lots numbered Three and Four, and the Northwest quarter of the South West quarter of Section Thirteen, in Township Thirty Six North of Range Three East of Boise Meridian, containing one hundred and fifty acres and forty eight hundredths of an acre, save and except that here- by specifically reserved and excepted from this conveyance the well right Spring No. 11111, and the spring and the right of way therefor and for pipes and ditches conveying and to convey the waters of said Spring across above described lands as and where the same now exist; and also and part excepting and reserving therefrom a right of way for a road across said lands from a splitter of the quarter of which is known as the Smith place, adjoining the described lands, twenty five feet in width, as the same now exists or hereafter agreed upon, also excepting the 1920 crop of hay and grain now upon together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the remainder and remainders, reversion and reversions, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said part of the first part, either at law or in equity, of, in and to the above described premises.

TO HAVE AND TO HOLD the same unto the said party of the second part, his heirs and assigns forever.

And the said part of the first part, for her self her heirs and assigns does covenant and agree to and with the said party of the second part, his heirs and assigns, that, at the time of the enrolling and delivery of these presents, she is well seized of the premises above conveyed in fee simple absolute, and has a good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances, of what kind or nature soever: subject nevertheless to a certain mortgage of Harner L. Carr and wife to the Clearwater Loan & Trust Company, for \$3500, dated February 29th, 1917, and first made 1st, 1912.

And the above bargained premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part of the first part and her heirs shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said part of the first part has hereunto set her hand and seal the day and year in this instrument first above written.

Executed in the presence of: Phoebe C. Carr [REAL]

STATE OF Idaho (U.S.P. Stamp, \$6.00, attached and cancelled)
County of Clearwater

On this 26th day of March in the year 1921, before me, F.C. Smith, a Notary Public in and for the State of Idaho, personally appeared Phoebe C. Carr known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(Notarial Seal)

F.C. Smith
Notary Public in and for the State of Idaho,
residing at Crofton, in Clearwater County.
My commission expires December 1st, 1921.

I hereby certify that the within instrument was at the request of Phoebe C. Carr
Filed for record on March 31st, 1921, at 4:35 o'clock A.M.

MAR 03 1921

Joseph Hanffman
Clerk of the District Court and
Ex-officio Auditor and Recorder.

By Deputy

RECEIVED

844137

AUG 3 1981 Orofino, Idaho
July 28, 1981

Department of Water Resources

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

Mr. Tom King
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. King:

I mailed the notarized letter with pictures back to you the same day that I received it; I guess the matter is took care of because I have not heard anymore from you. I am sending you the notarized papers not knowing if you still want them. It is hard to get some of the men in for notarizing as they are working and week-ends is also hard to catch them. I could get them to fill out the same form un-notarized if you feel that you need them. I am also typing from a paper I have on Mr. Carr's water I want to know where we stand on it and what he must do in order to keep it legal. You fellows are to be the experts in these do's and don't. We feel that Mr. Carr has not told you fellows everything.

Here is how the right is written in our papers.

Save and except that there is hereby specifically reserved and excepted from this conveyance the water right-permit #6642-and the spring and the right of way therefor and the pipes and ditches conveying and to convey the water of said spring across the above described lands as and where same now exist.

The spring, reservoir and pipes are all located on our property so please spell out for us just what is what on this matter.

MICROFILMED

MAR 03 1988

Thank You

Mrs. William Koerling

RECEIVED

JUL 29 1981

AFFIDAVIT

Department of Water Resources
Northern District Office

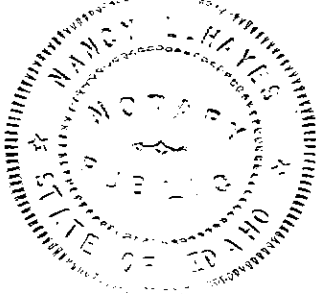
I, Myrna V. Grasser, being a resident of Clearwater County, State of Idaho, since 1938, have witnessed cattle drinking water out of the spring, commonly known as "Phoebe's Spring", located on William and Mable Koerling's ranch on Upper Fords Creek, approximately 6 1/2 miles from Orofino.

DATED this 17th day of June, 1981.

Myrna V. Grasser

SUBSCRIBED and SWORN to before me this 17 day of June, 1981.

Nancy L. Hayes
Notary Public in and for the State
of Idaho, residing at Orofino,
therein.



MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Bella Carpenter, being a resident of Clearwater County, State of Idaho since 1946. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17th day of June, 1981.

Bella Carpenter

Subscribed and Sworn to before me this 17th day of June, 1981.

Myrna C. Gresser
Notary Public in and for the state
of Idaho, residing at Osborne
therein.

RECEIVED

JUL 29 1981

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

RECEIVED

MAR 03 1988

AFFIDAVIT

I, Shirley Bonner-----, being a resident of Clearwater County, State of Idaho since 1948-. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17---day of June---, 1981.

Shirley Bonner-----

Subscribed and Sworn to before me this 17th day of June---, 1981.

Myrna V. Shasta-----
Notary Public in and for the state
of Idaho, residing at Idaho-----
therein.

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

RECEIVED

MAR 03 1988

AFFIDAVIT

I, Laura Bonner, being a resident of Clearwater County, State of Idaho since 1973. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Laura Bonner

Subscribed and Sworn to before me this 17th day of June, 1981.



Raymond J. Shesser
Notary Public in and for the state
of Idaho, residing at Osborne
therein.

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Lula Nette, being a resident of Clearwater County, State of Idaho since 1907. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Lula Nette

Subscribed and Sworn to before me this 17th day of June, 1981.

Sydney V. Sasser
Notary Public in and for the state
of Idaho, residing at Idaho
therein.

RECEIVED
JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Frank Nette, being a resident of Clearwater County, State of Idaho since 1923. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17th day of May, 1981.

Frank Nette

Subscribed and Sworn to before me this 17th day of June, 1981.



Myrna V. Gibson
Notary Public in and for the state
of Idaho, residing at Boise
therein.

MICROFILMED

MAR 03 1988

RECEIVED

JUL 20 1981

Department of Water Resources
Northern District Office

AFFIDAVIT

I, Beatrice Shelby, being a resident of Clearwater County, State of Idaho since 1951. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Beatrice Shelby

Subscribed and Sworn to before me this 17th day of June, 1981.

Wynne D. Hansen
Notary Public in and for the state
of Idaho, residing at Osborne
therein.

RECEIVED
JUL 29 1981
Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Dolly J. Bowner, being a resident of Clearwater County, State of Idaho, since 1930, have personally witnessed cattle belonging to William and Mable Koerling drinking water out of the spring, commonly known as "Phoebe's Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as # 84-4137.

DATED this 17 day of June, 1981.

Dolly J. Bowner

SUBSCRIBED and SWORN to before me this 17th day of June, 1981.

Shayne V. Shaver
Notary Public in and for the State
of Idaho, residing at Orfino,
therein.

MICROFILMED

MAR 03 1988

RECEIVED
JUL 29 1981
Department of Water Resources
Northern District Office

AFFIDAVIT

I, Ethelyn Grasser, being a resident of Clearwater County, State of Idaho, since 1915, have personally witnessed cattle belonging to William and Mable Koerling drinking water out of the spring, commonly known as "Phoebe's Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as # 84-4137.

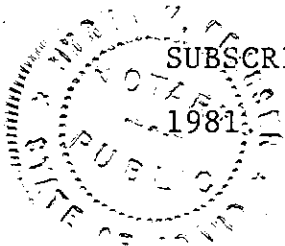
DATED this 17 day of June, 1981.

Ethelyn Grasser

SUBSCRIBED and SWORN to before me this 17th day of June, 1981.

Samuel V. Grasser

Notary Public in and for the State of Idaho, residing at _____, therein.



RECEIVED
JUL 29 1981

Department of Water Resources
Northern District Office

RECORDED

MAR 03 1988

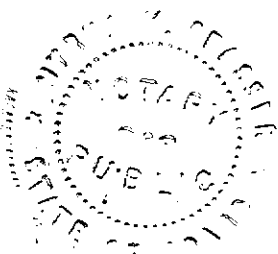
AFFIDAVIT

I, Grita Casey, being a resident of Clearwater County, State of Idaho since 1926. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Subscribed and Sworn to before me this 17th day of June, 1981.

Myrna C. Jensen
Notary Public in and for the state
of Idaho, residing at Idaho
therein.



RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Joyce L. Spence, being a resident of Clearwater County, State of Idaho since 1932 Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Joyce L. Spence

Subscribed and Sworn to before me this 17th day of June, 1981.

Myrna C. Shesser
Notary Public in and for the state
of Idaho, residing at Osage
therein.



RECEIVED
JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Mary Ricks, being a resident of Clearwater County, State of Idaho since Jan. 1951 personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #P4-B137.

Dated this 17 day of June, 1981.

Mary Ricks

Subscribed and Sworn to before me this 17th day of June, 1981.

Wayne V. Thacker
Notary Public in and for the state
of Idaho, residing at Boise
therein.

RECEIVED
JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Judith Galloway, being a resident of Clearwater County, State of Idaho since Lifetime Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17 day of June, 1981.

Judith Galloway

Subscribed and Sworn to before me this 17th day of June, 1981.

Smyrna V. Susan
Notary Public in and for the state
of Idaho, residing at Office
therein.

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

AFFIDAVIT

I, Peggy Cooper-----, being a resident of Clearwater County, State of Idaho since 1951-----. Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 17-----day of June, 1981

Peggy Cooper-----

Subscribed and Sworn to before me this 17th-----day of June-----, 1981.

Raymond W. Shuman-----

Notary Public in and for the state
of Idaho, residing at Boise-----
therein.

MICROFILMED

MAR 03 1988

RECEIVED
JUL 23 1981
Department of Water Resources
Northern District Office

AFFIDAVIT

I, GENE SIMPSON being a resident of Clearwater County, State of Idaho, since June 1979, Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 12 day of June, 1981.

Gene Simpson

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

RECORDED

MAR 03 1988

AFFIDAVIT

I, Sheryl Simpson-----being a resident of Clearwater
County, State of Idaho, since June 1979, Personally know that William
and Mable Koerling keep cattle; said cattle do have access around
and to water at spring commonly known as the "Phoebe Carr Spring",
located on Koerling's ranch on Upper Ford's Creek. The spring is
listed as #84-4137.

Dated this 12 day of June, 1981.

Sheryl Simpson

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

-AFFIDAVIT-

I, Henry L. Carpenter-----being a resident of Clearwater County, State of Idaho, since 1948-----, Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this June 17th day of-----, 1981.

Henry L. Carpenter-----

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

-AFFIDAVIT-

I, Henry J. Carpenter being a resident of Clearwater County, State of Idaho, since 1946, Personally know that William and Mable Koerling keep cattle; said cattle do have access around and to water at spring commonly known as the "Phoebe Carr Spring", located on Koerling's ranch on Upper Fords Creek. The spring is listed as #84-4137.

Dated this 30th day of June, 1981.

Henry J. Carpenter

SUBSCRIBED and SWORN to before me this 30th day of June, 1981.

Shirley V. Thacker
Notary Public in and for the
State of Idaho, residing at
Oidjino, therein.

RECEIVED

JUL 29 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

MAR 03 1986

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

William or Mable Koerling

(Name of Claimant)

Star Rt. 6, Orofino, Id

(Mailing Address)

83544

(Zip Code)

Telephone No. 476-4085

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1893

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 is that a claim may be filed on single family domestic use from a ground water source.

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

2 Springs

tributary to

Frank Creek

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs.</u>		Use <u>Domestic</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.03 cfs.</u>		Use <u>Stock</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.07 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4, Sec. 24 Twp. 36N Rge. 2E B.M., County of ClearwaterAdditional points of diversion: SW SE, 19, T36N, R3E

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. Describe any changes in the system and give the date of the change.

Spring in Sec 24 is stock spring with 4'x5'x8' catch Basin
Spring in Sec 19 is domestic Brick Cistern with pump & pipeline

- (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.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>36N</u>	<u>2E</u>	<u>24</u>													X				
<u>36N</u>	<u>3E</u>	<u>19</u>															X		

No. of acres

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

One home

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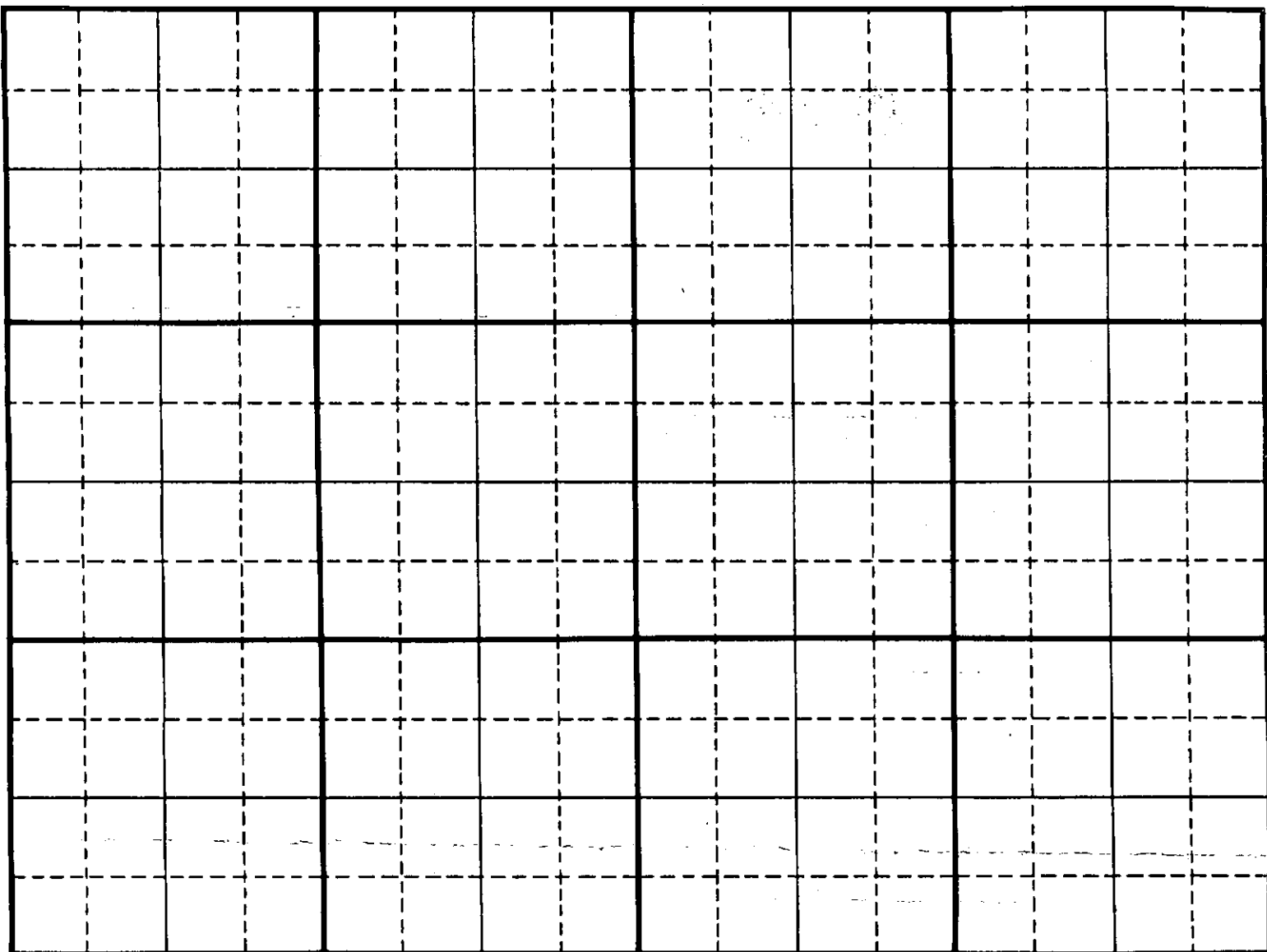
NOTE: Include here the type and number of stock watered:

60 head

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

MAR 03 1986

(8) Remarks _____



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)
County of Clearwater) ss.

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

Sworn to before me this 24th day of April, 1980.

X Mable Kaerling
(Claimant)

Suzanne V. Shaver
Notary Public

Residing at Ordino

My commission expires January 2, 1984

INDEXED & FILMED

FOR DEPARTMENT USE ONLY				MAR 03 1988	
Received by <u>RLH</u>	Date <u>5/12/81</u>	Exception filed by:		Forwarded to	Date
Prelim. check by <u>LB</u>	Date <u>5/12/81</u>			claimant by:	
\$20.00 fee received by <u>RLH</u>	Date <u>5/12/81 (18/30)</u>				
Published in <u>Clearwater Tribune</u>					
Dates <u>5/21-28/81</u>					

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claims to Water

Rights Koerling

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 21st day of May, 19 81, and ending on the 28th day of May, 19 81

Subscribed and sworn to before me this 29th day of May, 19 81

Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

84-4136

Koerling, William &/or Mable

Star Rt. 6, Orofino, ID 83544

Source: Springs tributary to Fords Creek

Priority Date: 01/01/1955

Amount: 0.07 CFS

Diversion Point: SWSE SE-SE Sec 19 T 36N R 03E, Clearwater Co.

Use: Stockwater (0.03 CFS) from 01/01 to 12/31; Domestic (0.04 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 20 T 36N R 03E SWSE SESE Sec 19 T 36N R 03E

Diversion Means: Springs

84-4137

Koerling, William &/or Mable

Star Rt. 6, Orofino, ID 83544

Source: Springs tributary to Fords Creek

Priority Date: 01/01/1893

Amount: 0.07 CFS

Diversion Point: NESE Sec 24 T 36N R 02E SWSE Sec 19 T 36N R 03E, Clearwater Co.

Use: Stockwater (0.03 CFS) from 01/01 to 12/31; Domestic (0.04 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 24 T 36N R 02E SWSE Sec 19 T 36N R 03E

84-4138

Koerling, William &/or Mable

Star Rt. 6, Orofino, ID 83544

Source: Spring tributary to Sinks

Priority Date: 01/01/1949

Amount: 0.03 CFS

Diversion Point: SWSW Sec 19 T 36N R 03E, Clearwater Co.

Use: Stockwater (0.03 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 19 T 36N R 03E

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID 83814.

A. KENNETH DUNN
Director
5-21,28c

MICROFILMED

MAR 03 1988

RESOURCES
NATIONAL BUREAU OF

A. Keun, Dunn
MICHIGAN, 1981

December 29, 1981

Please file

Mrs. William Koerling
Route 6
Orofino, Id. 83544

Re: ⁸⁴⁻⁴¹³⁷
84-4137

Dear Mrs. Koerling:

We acknowledge receipt of your letter of December 28, 1981, enclosing three pictures of the water cistern.

This information will become a permanent part of your file.

If you have any further questions, please contact me at this office.

Sincerely,

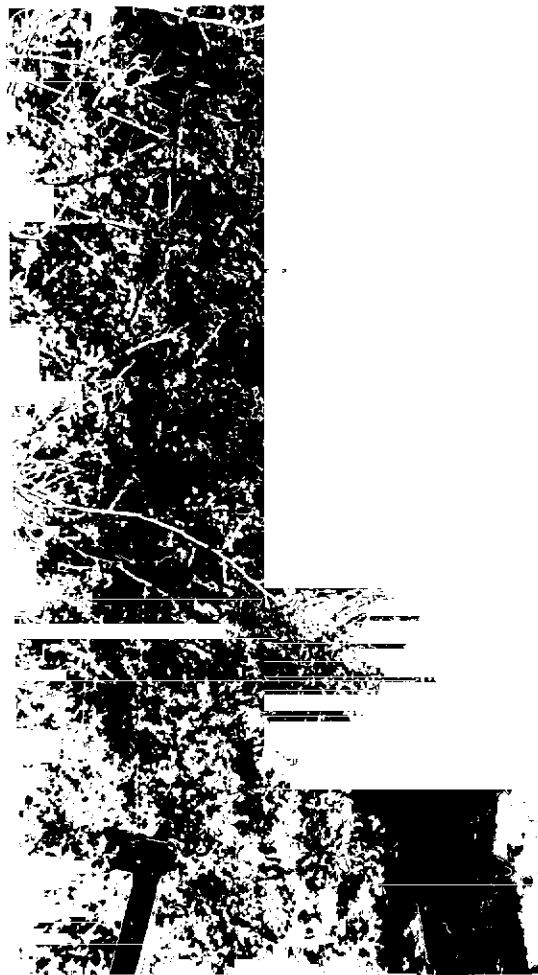
TOM D. KING
Senior Water Resource Agent

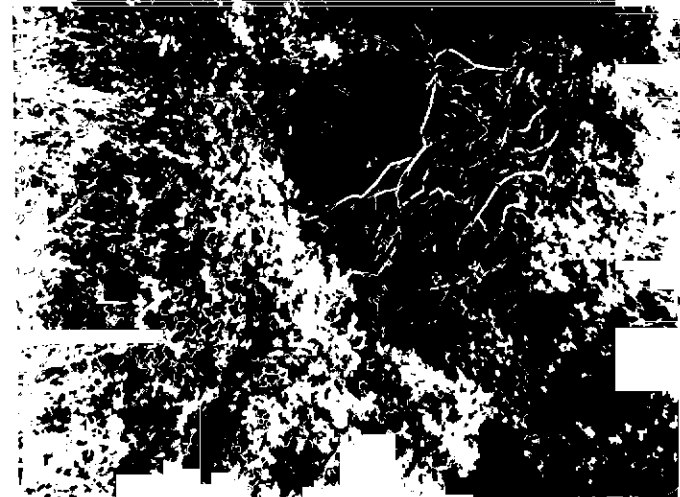
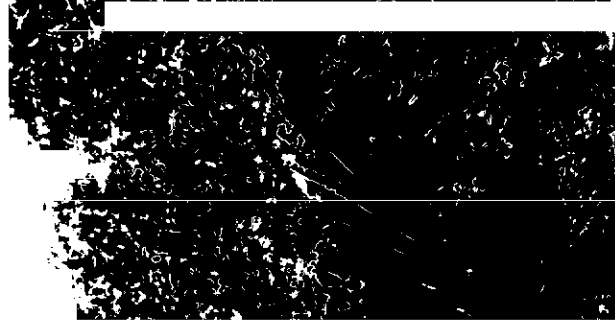
TDK/pms

Enc.

RECEIVED
MAR 03 1988





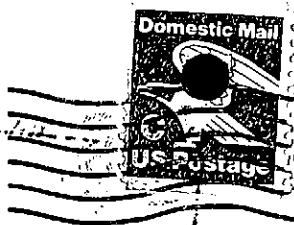


W. Kaerling
Big Bend, Idaho 83544

Picture
returned
mailed



RECEIVED
MAR 03 1982



Mr. Tom King
Department of Water Resources
Northern Region Office
4055 Government Way
Coeur d'Alene, Idaho 83814

December 28, 1981

Mr. Tom King
Department of Water Resources
Northern Region Office
4055 Government Way
Coeur d'Alene, Idaho 83814

Dear Mr. King,

Here are three pictures of the water
citron in which Mr. Carr is supposed
to be using. It has been in this
shape for years. Also my husband
thinks you should know that
Abner Carr the grandfather passed
away July 6, 1946.

RECEIVED

DEC 20 1981

Department of Water Resources
Northern District Office

Thank you
Mrs. William Kaerling

Claim

84 - 4137

stockwater only

William Kaerling
Route 6

Opfino, Idaho 83544

MICROFILMED

MAR 03 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Co-Deputy Director~~
Director

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

July 30, 1981

Mrs. Mable Koerling
Star Route 6
Orofino, Id. 83544

Re: 84-4137

Dear Mrs. Koerling:

We have received the pictures and affidavits in support of your Claim No. 84-4137.

We will keep this evidence in your file, accessible to you, should you ever need them for litigation. The Department makes no decisions on these matters, since they are in the realm of the Judiciary Branch of the government.

If you have any questions, please contact me at this office.

Sincerely,

151

TOM D. KING
Senior Water Resource Agent

TDK/pms

✓ cc: IDWR - State Office

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MAR 03 1988



Spring



where coffee is

Herling
Bte 60
Orefino, Idaho 83641

mailed
retained
pictures

RECEIVED

JUN 25 1981

Department of Water Resources

Please file
on 84-4137

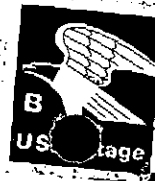
Mr. Tom King

4055 Government Way

Coeur d'Alene, Idaho 83814

RECEIVED
MAR 03 1988

JUN
19
PM
1981



June 15, 1981

Mr. Tom King
4055 Government Way
Coeur d' Alene, Idaho

Dear Sir,

We noticed an error on 84-4137 in section 2e and would like to have it corrected. Here is 2 pictures one of the spring the other in the area where our cows have access to their water. I could get confused and this error go un-noticed but it got by our 20 year old son also and he usually notices everything. Where our cows get their water is at a pool which is maintained by a cat we try to keep it about 2 by 2 by 2' but can vary due to elements is hard to do. The most cows we have ever had is 62 at present we have 48 cows and calves and three left to calves. The description of the spring is there but no description as to the cows access to water. I would like to get this corrected so it is proper at your office. There is no way Mr. Carr will let papers stand unprotected where this spring is concerned. We are not claiming the spring all we wanted was there to be a record at your office that there has been stock with access to water from this said spring. So if you think due to his feelings and the above error we should amend the whole claim we shall do so. We are trying to be fair honest about everything. So please fill out papers so we may get our mistake corrected and any others you feel necessary.

Thank You.

Mrs. William Koerling
Mrs. William Koerling

William Koerlings
Route 6
Orofino, Idaho 83544
Telephone 476-4085

Harry C. J. J. J.
Notary Public
ORO FID, Idaho

RECEIVED

JUN 15 1981

Department of Water Resources
Northern District Office

RECEIVED

JUN 22 1981

Department of Water Resources
Northern District Office

Please fix papers so that we amend the claim on spring in SE for stock use. As a mistake on our part

RECEIVED

MAR 03 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Ex Stephen A. Dunn~~
Director

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

June 17, 1981

Mrs. William Koerling
Route 6
Orofino, Id. 83544

Dear Mrs. Koerling:

To accomplish the changes in the stockwater right that you have mentioned in the enclosed letter, please have the letter notarized and return it to this office with the photos of the spring.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Letter
Photos

RECEIVED

JUN 22 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

WATER RIGHT NUMBER 84-4137

OWNER LAST NAME - KOERLING

FIRST NAME - WILLIAM

ORIG OWNER -

OWNER LAST NAME - KOERLING

FIRST NAME - MABLE

ORIG OWNER -

ADDRESS LINE 1 - STAR RT. 6

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - DROFINO

STATE - ID ZIP CODE - 83544

SOURCE - SPRINGS

TRIBUTARY OF - FORDS CREEK

STAGE - STATRY CDF

STATUS -

PRIORITY - 01-01-1893

COUNTY - CLEARWATER

TOTAL DIV. RATE -

.0700 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/ANEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESE 24 36N 02E LOT

REDIV -

SASE 19 36N 03E LOT

REDIV -

FROM - 01-01 TO - 12-31 USE - STOCKWATER

USE DIV. RATE -

.0300 CFS

USE DIV. VOLUME -

.00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0400 CFS

USE DIV. VOLUME -

.00 AFA

USE - STOCKWATER

PLACE OF USE - T4N 36N R4G 02E SEC 24 TRACT NESE LOT AC

USE - STOCKWATER

PLACE OF USE - T4N 36N R4G 03E SEC 19 TRACT SWSE LOT AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS -

NOW IRRIG USE - S/60 RANGE, D/1 HOME.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: LB

Right Number 84-4137 Applicant Koerling

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By mm Date 6/10/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Wanner Date 6/25/81

84-4132-

KOERLING, WILLIAM &/or MABLE

STAR RT. 6, OROFINO, ID 83544

Source: SPRINGS tributary to FORDS CREEK

Priority Date: 01/01/1893

Amount: 0.07 CFS

Diversion Point: NESE Sec 24 T 36N R 02E SWSE Sec 19 T 36N R 03E,
CLEARWATER Co.

Use: STOCKWATER	(0.03 CFS)	from 01/01 to 12/31
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: NESE Sec 24 T 36N R 02E SWSE Sec 19 T 36N R 03E

MICROFILMED

MAR 03 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Co-Administrator~~
Director

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

June 9, 1981

Mrs. Mable Koerling
Star Rt. 6
Orofino, Id. 83544

Re: 84-4137

Dear Mrs. Koerling:

Enclosed is the claim you requested. Please check it carefully, especially the legal description, and return it to this office with a \$30.00 filing fee.

Sincerely,

151
TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Claim

MICROFILMED

MAR 03 1988

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. **476-4085**

(1) Date of priority: (When was the water first applied to a beneficial use) **1893**

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

tributary to Fords Creek

(cfs, gpd, AFA) (Domestic, Irrigation, Stock, Etc.) (Both dates inclusive)
(Mo., Day) (Mo., Day)

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Mo., Day)		(Mo., Day)	
Quantity	<u>0.04 cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity	_____	Use	_____	Period of Use From	_____	To	_____
Quantity	_____	Use	_____	Period of Use From	_____	To	_____
Quantity	_____	Use	_____	Period of Use From	_____	To	_____
Quantity	_____	Use	_____	Period of Use From	_____	To	_____

(4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 1/4, Sec. 19 Twp. 36N Rge. 3E B.M., County of Clearwater
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. Describe any changes in the system and give the date of the change. *Brick Cistern with pump & pipeline*

(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]

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: One house

MEMPHIS

MAR 03 1988

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

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

Sec. 19
T 36N R 36E
+ RD
E
D/U

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 _____)

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 _____ day of _____, 19____.

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by _____ Date _____
Published in _____
Dates _____

Exception filed by:

Forwarded to _____ Date _____
claimant by: _____

MAR 03 1988

June 8, 1981

Tom King
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814
Mr. King

Is it possible to refill the domestic use claim on claim 84-4137 to another claim number. This way Mr. Albert H. Carr's exception does not effect it. Then we shall get the signatures that we do have stock which drink from the poche Carr spring. Will be awaiting your reply on this.

Thank you
Wm Koerling

MICROFILMED

MAR 03 1988

Mrs. William Koerling
Route 6
Orofino, Idaho 83544

RECEIVED

JUN 9 1981

Department of Water Resources
Northern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

JUNE 8, 1981

WILLIAM KOERLING
MABLE KOERLING
STAR RT. 6
OROFINO

ID 83544

RE: Claim No. 84-4137

Dear Claimant:

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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this 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.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

MICROFILMED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

June 3, 1981

Mr. Albert G. Carr
Rt. 1 Box 25
Weippe, Idaho 83553

RE: 84-4137

Dear Mr. Carr:

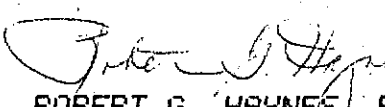
We have received your correspondence concerning the above-referenced Claim to a Water Right. The following is a quote from the provisions under which this Claim has been filed (Section 42-244, IDAHO CODE):

"At any time after filing a claim under the provisions of the previous 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 resources 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 resources. 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 the described rights.

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

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

RECEIVED

MAR 03 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

June 3, 1981

Mr. and Mrs. William Koerling
Star Rt. 6
Orofino, Id. 83544

RE: 84-4137

Dear Mr. and Mrs. Koerling:

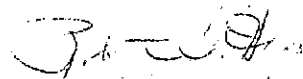
Enclosed is a copy of an exception filed in connection with your above-referenced claim. This exception is filed in accordance with the provisions of Section 42-244, IDAHO CODE, which states the following in part:

"At any time after filing a claim under the provisions of the previous 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 resources 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 resources. 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 the described rights.

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

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

Enclosure

NOT FILMED

MAR 03 1988

Director of the Idaho
Department of Water Resources
4055 Gov't Way
Coeur d'Alene, Idaho 83814

1 June 1981

Dear Sir:

I am writing in protest to the Water Right Claim filed
by William &/or Mable Koerling Claim # 84-4137.

84-4137

RECEIVED

JUN 3 1981

Koerling, William &/or Mable
Star Rt. 6, Crofino, Idaho 83544
Source: Springs tributary to Fords Creek
Priority Date: 01/01/1893
Amount: 0.07 CFS
Diversion Point: NESE Sec
24 T 36N R 02E SWSE Sec 19 T
36N R 03E, Clearwater Co.
Use: Stockwater (0.03 CFS)
from 01/01 to 12/31: Domestic
(0.04 CFS) from 01/01 to 12/31.
Place of Use: NESE Sec 24
T 36N R 02E SWSE Sec 19 T
36N R 03E.

Department of Water Resources
Northern District Office

Neither William Koerling nor Mrs. Mable Koerling have dug
ditches nor placed pipes, neither have they prepared ponds,
pools, holding troughs or any other device to catch, hold
or divert water from this spring. Also they have no resi-
dence, barn, nor other building near this spring.

Sincerely,

Albert G. Carr

Betty J. Maloney
Notary for the State of Idaho



RECEIVED

MAR 03 1988

Director of the Idaho
Department of Water Resources
4055 Gov't Way
Coeur d'Alene, Idaho 83814

1 June 1981

Dear Sir:

I am writing this letter to prove my Water Rights on the spring which is located in the following description:

Water Right Permit No. 6642 issued on application no. 9608, bearing date of priority, September 19, 1910, authorizing the diversion of one-half second foot of water of a spring from quarter section corner section corner of Sections nineteen (19) and Twenty-four (24), Township Thirty-six (36) North, between Range Two (2) and Three (3) East; West nine (9) chains; thence South Twelve (12) Degrees, West 4.25 chains to spring, together with right of way ditches, reservoirs and pipes used therewith, which said water right is used on land just described, 154.0 acres.

This water has been in use through the entire time from priority Date until the present time of which I am sending notarized statements from persons other than myself.

I am sending certified copies of proof that when Phoebe Carr sold this property she reserved the Water Rights to the above described spring and right of way ditches, reservoirs and pipes. This is item # 1.

Item #2 is Phoebe C. Carr's Last Will and Testament, Page 3 paragraph 7. Edie Smith is the wife of the deceased Mr. Adam Daniel Carr mentioned in the will on Page 3. paragraph 7.

Item #3 is the Decree of Distribution.

Item #4 is my deed to the Water Rights described above and in the Last Will and Testament of Phoebe Carr, Water Right Permit No. 6642.

Please note the enclosed letter of protest against the water Rights claimed on this spring by Mr. and Mrs. William Koerling.

If further information is needed please notify me.

Sincerely,

Albert G. Carr

MICROFILMED

Albert G. Carr
Rt. 1 Box 25
Weippe, Idaho 83553

MAR 03 1988

Dithy J. Maloney
Notary for State of Idaho

I Rev. Emmett C. Bonner:

Do give my testimony concerning the water rights to a certain spring known as Carr's spring.

My family moved in the year 1906 to upper Fords Creek, neighbors to Adam Daniel Carr who had a home stead, he also owned or purchased a large portions of Canyon and the present farm known as the A.D. Carr ranch.

The spring in question was located on the Daniel Dunwell ranch from whom Mr. Carr obtained water rights to the spring. This transaction must be on record at the Court house in Ogden and should be about the year of 1909 or 1910.

Mr Carr built a new house and lived directly below the spring he built a small reservoir where the water came out and a large one just below this was the whole water supply for his new home. which he used for irrigation to his garden and also for electricity for his house and barn. He also purchased the land from Mr Dunwell and later deeded it to his son Homer but I understand he reserved his water rights to the spring.

Rev. Emmett C. Bonner

Subscribed and sworn to before me
this 1st day of June, 1981.

Joan Laisy

My Commission Expires: 2/2/86

MICROFILMED

MAR 03 1988

Pierce Idaho
June 1 - 1981

To Whom it may be, that are Concerned
I lived at the Don Carr Home on Gard Creek
It was a very palatial Home dependant on
a spring coming out of the Hill above the
house which was known as the Carr Spring
This spring supplied irrigation electric-
cal power bath, washing & other needs.
All electrical appliances were run by
this power from the spring - I have
been in connection with this family
since 1930 & I know in all this time
they owned & operated this spring
which at this time is in question which
has always belong to The Don Carr estate

RECEIVED

JUN 3 1981

Department of Water Resources
Northern District Office

Sincerely

Clara H. Bonner

Clara H. Bonner
MICROFILMED

Subscribed and sworn to before
me this 1st Day of June, 1981.

Joan Taisey, Notary Public
Residing in Pierce, Idaho
My Commission Expires: 2/2/85

MAR 03 1988

June 1, 1981

To whom it may concern,

I Melvin L. English do declare
on this first day of June, 1981,
that I have used water, at the
Carr Ranch, which is piped from
said spring, for the past eight
years, while working and as a
guest on said premises.

Sign Melvin L. English
Witness Brent E. Hoyt

Notary for the State of Idaho
Betty F. Maloney

RECEIVED

JUN 3 1981

Department of Water Resources
Northern District Office

MICROFILMED

MAR 03 1988

June 1, 1981

On Thursday May 28, 1981 at approximately 1:10 P.M. I Brent E. Hoyt did observe the spring that supplies water to the Albert G. Carr ranch.

There were no diversions of any kind, nor was there any holding tanks, dams, or any other ~~devices~~ to catch water.

I have stayed at this ranch at various times and helped with his ranch for eight years. I know that this spring supplies water for the residence on this ranch and that the water is good to drink.

Also there is only one pipe that goes from this spring to the residence.

RECEIVED

JUN 3 1981

Department of Water Resources
Northern District Office

Sign Brent E. Hoyt

Witness

Melvin L. English

Notary for the State of Idaho

Betty J. Maloney

MICROFILMED

MAR 03 1988

RECEIVED

JUN 3 1981

June 1, 1981

Department of
Northern District Office

I, Brian J. Goedde, have helped Mr. Albert Carr clean this spring. It does not have any other pipes going out of it other than the one going to the Carr ranch. neither is there a dam, holding tank, or anything else to catch or hold water other than ~~the~~ Mr. Carr's reservoir.

I have helped Mr. Carr at his ranch and have used the water from this spring for about two years. I know that Mr. Carr uses the water at his residence.

I observed this spring Thursday, May 28th about 1:10 p.m. and there was not any change it.

Sign. Brian J. Goedde
witness Brent E. Hoyt

Notary Betty F. Maloney

MICROFILMED

MAR 03 1988

in the year of our Lord one
thousand nine hundred and
zero
County of Cheney State of Idaho

County of Cheney State of Idaho
do hereby certify that the within instrument was at the request of
the person John D. Smith
and was duly executed by him in the presence of me and the other
subscribing officers of the County of Cheney State of Idaho
and was duly acknowledged by him before me and the other
subscribing officers of the County of Cheney State of Idaho
on this 26th day of March in the year of our Lord one
thousand nine hundred and zero

TO HAVE AND TO HOLD the same unto the said party of the second part
his heirs and assigns
do hereby certify that the within instrument was at the request of
the person John D. Smith
and was duly executed by him in the presence of me and the other
subscribing officers of the County of Cheney State of Idaho
and was duly acknowledged by him before me and the other
subscribing officers of the County of Cheney State of Idaho
on this 26th day of March in the year of our Lord one
thousand nine hundred and zero

County of Cheney State of Idaho
On this 26th day of March in the year of our Lord one
thousand nine hundred and zero
I, John D. Smith
Notary Public and for the State of Idaho
personally appeared John D. Smith
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to
me that he executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in
the above written.

(John D. Smith)
Notary Public and for the State of Idaho
My commission expires March 26, 1901
MAR 03 1900
By John D. Smith
Deputy

1402

Case No. 1180
File 7-23-1946
at _____

LAST WILL AND TESTAMENT
OF
PHEBE C. CARR

Witnesses
By Frances Phelps
Miriam L. Phelps
Deputy

Ex. Bk of wills 4.7

KNOW ALL MEN BY THESE PRESENTS, That I, Phebe C. Carr, a bond fide resident of Clearwater County, Idaho, and being of legal age and of sound and disposing mind and memory, and not acting under duress, menace, fraud, or undue influence of any person whatsoever, and being aware of the infirmities of life, and desiring to dispose of the property I may have at the time of my death, do hereby make, publish and declare this my last Will and Testament, in manner following, hereby revoking any and all former wills and codicils by me at any time heretofore made.

FIRST: I hereby certify that my sole heirs at law are as follows, to-wit:

- Homer D. Carr, Orofino, Idaho, son, legal age.
- Prince Albert Carr, Orofino, Idaho, son, legal age, and sometimes known as Albert P. Carr and A. P. Carr.
- Minnie V. Glazier, Zillah, Washington, daughter, legal age.
- Valley Gordan Carr, a deceased son who left as his heirs:
 - Ada Carr, his widow, Orofino, Idaho.
 - Adam Daniel Carr, son, Orofino, Idaho.
 - Violet Carr Grasser, daughter, Orofino, Idaho.
 - Albert Gordon Carr, Jr., son, Orofino, Idaho.
- Texie E. Edmondson, a deceased daughter, who left as her heirs:
 - Frank Edmondson, husband, Orofino, Idaho.
 - Elmer Edmondson, son, Orofino, Idaho.
 - Agnes Edmondson Johanson, daughter, Yakima, Washington.
 - Forest Edmondson, a son.
 - Thelma Edmondson, a daughter.
 - Francis Edmondson, a son.

Case 1180
Filed July 23, 1946
E. H. Steele
Judge

SECOND: I direct that my executor or executors, hereinafter named, or an administrator with Will Annexed, if such be appointed, shall as soon as appointed after my death, and as practicable to pay the expenses of my last

Phebe C. Carr

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illness and burial, and the costs and charges of administration of my estate, and my just debts; also any transfer tax due the United States of America or the State of Idaho from my estate and for the distributive shares herein mentioned. I further direct that each and all of said items shall be paid by said executors or administrators, first out of the proceeds from the sale of cattle of which I may die possessed, then, if found insufficient, out of the proceeds of the sale of other personal property of which I may die possessed and not specifically bequeathed; then, if insufficient, the same to be paid from other assets taking the personal property before the real estate.

THIRD: I give, devise and bequeath to each of the following persons the sum set opposite their respective names:

Ada Carr, widow of Valley Gordon Carr.....	\$1.00
Adam Daniel Carr, grandson.....	\$1.00
Violet Carr Grasser, granddaughter.....	\$1.00
Albert Gordon Carr, Jr., grandson.....	\$1.00
F Frank Edmondson, husband of Texie E. Edmondson.....	\$1.00
Agnes Edmondson Johansen, granddaughter.....	\$1.00
Forest Edmondson, grandson.....	\$1.00
Thelma Edmondson, granddaughter.....	\$1.00
Francis Edmondson, grandson.....	\$1.00
Esther Carr, wife of Prince Albert Carr.....	\$1.00
Malinda Carr, wife of Homer Carr.....	\$1.00
Elmer Edmondson, a grandson.....	\$1.00

I give, devise and bequeath to Wanda Carr my sewing machine.

FOURTH: I give, devise and bequeath to my daughter, Minnie V. Glazier, the sum of Five Hundred Dollars, to be paid to her by my two sons in the event that they survive me; in the event they precede me in death or either of them precede me, the survivor and/or residuary legatees hereafter named to pay said sum. Provided however, that in the event that Minnie V. Glazier precede me in death, then this bequest shall be and become void. Provided further, that in the

Phoebe C. Carr

event said sum is not paid by the sons or residuary legatees, then it shall be a first lien upon the estate to be paid from rentals or other property of the estate.

FIFTH: I give, devise and bequeath to my sons, Prince Albert Carr, sometimes known as Albert P. Carr and A. P. Carr, and to Homer Carr, a life estate in my real estate, share and share alike. Provided however, the said Prince Albert Carr and the said Homer Carr shall never, jointly or severally alienate, mortgage or suffer a lien or other encumbrance to be placed upon said premises and in the event such is attempted, then the interest of that person, or persons, shall pass to the residuary legatees as though they had died. Provided further, that in the event of the death of either son, either before or after my death, then the share of that son shall immediately pass to the residuary legatees, hereinafter named.

SIXTH: I give, devise, and bequeath to my son, Prince Albert Carr, sometimes known as Albert P. Carr or A. P. Carr, my horses, cattle, and farm machinery of which I may die possessed. Provided any remain after the payment of just debts and claims.

SEVENTH: I hereby name, Adam Daniel Carr and Albert Gordon Carr, my grandsons as residuary legatees and I hereby give, devise and bequeath to said Adam Daniel Carr and Albert Gordon Carr, Jr., all the rest, residue and remainder of my estate wheresoever found and of whatsoever nature, including water right permit No. 6642 on application No. 9608, of which I may die possessed or which may come to me or to my estate and especially the remainder after the life

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Phoebe C. Carr

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estate heretofore bequeathed to Prince Albert Carr and to Homer D. Carr. Provided however, the said real estate shall not be alienated or made subject to any lien, encumbrance, mortgage or other debts until the expiration of ten years from the date of my death nor five years from the date of the death of the last of my two sons. The said residuary legatees to share and share alike in said residue.

EIGHTH: I hereby nominate and appoint my son, Prince Albert Carr, also known as Albert P. Carr or A. P. Carr, and Oren D. Crockett of Orofino, Idaho, as executors of this, my Last Will and Testament, and direct that neither be required to give bond or other security for the performance of his duty. Provided, however, that in the event that my son, Prince Albert Carr, is unable or unwilling to act, then Oren D. Crockett shall act alone. Provided however, that in the event that Oren D. Crockett is unable or unwilling to act, then he shall nominate another person to act in his stead who shall not be a relative of mine. It being understood that another must act with my son, Albert P. Carr. It is further directed that my executor, executors or administrator with the Will Annexed, whichever it may be, shall and is hereby given the power to sell sufficient of the personal property of my estate to accomplish the purposes herein mentioned, without notice or bond and without order from the Court, provided that such sales shall be reported to and approved by the Court.

IN WITNESS WHEREOF, I Have hereunto set my hand and seal to this my Last Will and Testament, as set forth on this and the three preceding pages, making four pages in all, and I have signed each of said pages on the margin thereof, and have executed the same at Orofino, Idaho, this

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Phoebe B Carr

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16th. day of November, 1945.

Phebe C. Carr

The foregoing instrument, consisting of five pages, including this page, was on the date hereof, to-wit: November 16th., 1945, signed, sealed and published by the said Phebe C. Carr, in our presence and by her declared to be her Last Will and Testament; and we, and each of us, at her request and in her presence, and in the presence of each other, have subscribed hereto our names as witnesses; and we certify that at the time of the execution hereof, the said Phebe C. Carr was not acting under duress, fraud, menace or undue influence to the best of our knowledge and belief.

Mona Thompson

Orofino, Idaho

Frank H. H. H.

Orofino, Idaho

MICROFILMED

MAR 03 1966

MICHAEL E. MCNICHOLS
Attorney at Law
P. O. Box 666
Orofino, Idaho 83544
476-5216

115003

RECEPTION (✓)
INDEXED (✓)
FILMED (✓)
DELIVERED (✓)
MAILED (✓)

Filed and recorded at the request of Mike McNichols
at 10:40 o'clock P.M., this 23 day of May, 1977
By: Francis Philipot Deputy
Ex-Officio Auditor-Recorder
Clearwater County, Idaho
Return: Clearwater County Abstract Co.

FILED	AM 11:00 P.M.
MAY 3. 1977	
Francis Philipot, Clerk Dist. Court Clear Water County, Idaho	

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CLEARWATER

In the Matter of the Estate of:

ADAM DANIEL CARR,	)	CASE NO. 2679
	)	
Deceased.	)	DECREE OF DISTRIBUTION

The Petition of Lloyd D. Carr for distribution of the
above entitled estate having come before the Court for hearing,
the Court makes the following findings:

1. All of the allegations of the PETITION FOR DISTRIBUTION OF AN INTESTATE ESTATE BY PERSONAL REPRESENTATIVE are true.
2. Lloyd D. Carr is the duly appointed, qualified and acting personal representative of the above named estate.
3. Notice to Creditors has been published and the time for presenting claims that arose prior to the death of the decedent has expired.
4. All debts of the decedent and of the estate, and all expenses of administration, and all taxes that have attached to or accrued against the estate have been paid.
5. The personal representative has not filed a final account herein, on the ground and for the reason that the sole asset of the decedent and of the decedent's estate in the State of

DECREE OF DISTRIBUTION - 1

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Idaho consists of real property.

6. Proof of Service of the notice of time for filing objections to the Petition for Distribution has been filed herein. No objections have been filed.

7. The decedent died intestate on September 6, 1970.

8. Pursuant to the laws of intestate succession in the State of Idaho, as of the date of the decedent's death, the estate of the decedent should be distributed as alleged and prayed for in the Petition.

IT IS HEREBY ORDERED AND DECREED:

1. The sole Idaho asset of the estate consists of certain real property, situate in Clearwater County, Idaho, and more particularly described as follows, to-wit:

An undivided one-half interest in and to:

Township 36 North, Range 3 E.B.M.:

Section 29: SW1/4NE1/4, N1/2NW1/4
SE1/4NW1/4

Section 30: N1/2NE1/4, NE1/4NW1/4,
Lot 1, Tax No. 185

Township 36 North, Range 2 E.B.M.:

Section 23: E1/2NE1/4SE1/4

Section 24: Lots 1 and 2 West of the Reservation line, Lots 3, 4 and 5 East of the Reservation line,
SW1/4SW1/4, SE1/4SE1/4

Section 25: Lot 1 East of the Reservation line

2. The real property described above is hereby distributed as follows:

A. To Effie Lucille Carr Smith, an undivided one-third (1/3) interest in and to the real property described above.

B. To Lorraine Brown an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

C. To Lloyd D. Carr an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

DECREE OF DISTRIBUTION - 2

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D. To Arlan D. Carr an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

E. To Melvin R. Carr an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

F. To Wanda M. Hill an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

G. To Darla Dodd an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

H. To Glen D. Carr an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

I. To Alletta M. Lloyd an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

J. To Delbert D. Carr an undivided two-twenty-seventh (2/27) interest in and to the real property described above.

3. Any other property of the decedent or of the estate not now known or discovered, is hereby distributed to the persons and in the manner set forth above.

DATED this 23rd day of May, 1977.

John H. Haley
Judge

STATE OF CALIFORNIA
County of Butte

I hereby certify that the foregoing is a true and correct copy of an instrument as the same now pertains to file and of record in my office.

WITNESS my hand and official seal hereto affixed this 23rd day of May A.D., 1977.

FRANCIS PHILIPOT, CLERK OF THE DISTRICT COURT
EX OFFICIO AUDITOR AND RECORDER.

By Deputy Johnson

DECREE OF DISTRIBUTION - 3

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MAR 03 1978

EX OFFICIO

INDEXED
FILMED
SERIALIZED
MAILED

126244

CORRECTED WARRANTY DEED

1 THIS INDENTURE, made this 18th day of August, 1980,
2 between EFFIE LUCILLE SMITH, formerly Effie Lucille Carr, LLOYD
3 D. CARR, MELVIN R. CARR, DELBERT D. CARR, ALETTA M. LLOYD,
4 LORRAINE BROWN, ARLEN D. CARR, WANDA M. HILL, GLEN D. CARR and
5 DARLA DODD, all married persons dealing with their sole and
6 separate property, of Libby, Montana, the parties of the first
7 part, and ALBERT G. CARR, a married man, as his sole and
8 separate property, of Route 3, Orofino, County of Clearwater,
9 State of Idaho, the party of the second part;

10 WITNESSETH, that the said parties of the first part,
11 for and in consideration of the sum of Ten Dollars (\$10.00) and
12 other good and valuable consideration, to them in hand paid by
13 the party of the second part, the receipt of which is hereby
14 acknowledged, do hereby grant, bargain, sell and convey unto the
15 said party of the second part, and to his heirs and assigns
16 forever, all the following described real property, situate in
17 the County of Clearwater, State of Idaho, to wit:

18 See Attached Exhibit
19 together with all and singular the tenements, hereditaments and
20 appurtenances thereunto belonging or in anywise appertaining, and
21 the remainder and remainders, reversion and reversions, rents,
22 issues and profits thereof, and all the estate, right, title,
23 interest, claim and demand whatsoever of the said parties of the
24 first part, either at law or in equity of, in and to the above
25 described premises.

26 TO HAVE AND TO HOLD the same unto the said party of the
27 second part, his heirs and assigns forever.

28 And the said parties of the first part, for themselves
29 and their heirs do hereby covenant and agree to and with the
30 said party of the second part, his heirs and assigns, that, at
31 the time of the ensealing and delivery of these presents, they

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1 Situate in the County of Clearwater, State of Idaho, to-wit:

2 Township 36 North, Range 2 E.B.M.:

3 Section 23: E 1/2 NE 1/4 SE 1/4

4 Section 24: Lots 1 and 2 West of the reservation line
and Lots 3, 4 and 5 East of the reservation
line; SW 1/4 SW 1/4; SE 1/4 SE 1/4;

5 Section 25: Lot 1 East of the reservation line

6 Township 36 North, Range 3 E.B.M.:

7 Section 30: Lot 1

8 TOGETHER WITH a portion of Township 36 North, Range 3 E.B.M.:

9 Beginning at the northwest corner of Section 30; thence East One
Thousand Nine Hundred Ninety Eight feet seven inches (1998'7")
10 to the true point of beginning; thence due south to the North
line of Jim Ford's Creek; thence Westerly and Northwesterly
11 along the North line of Jim Ford's Creek to its point of inter-
section with south line of Government Lot 1 of said Section 30
12 thence Easterly along South line of said Lot 1 to SE corner of
said Lot 1 thence North along easterly line of said Lot 1 to
North line of said Section 30 thence East to point of beginning.

13 ALSO TOGETHER WITH the Water Right Permit No. 6642, issued on
application No. 9608, bearing date of priority, September 19,
14 1910, authorizing the diversion of one-half second foot of water
of a spring from quarter section corner of Sections nineteen (19)
15 and Twenty-four (24), Township Thirty-six (36) North, between
Range Two (2) and Three (3) East; West Nine (9) chains; thence
16 South Twelve (12) Degrees, West 4.25 chains to spring, together
with Right of Way ditches, reservoirs and pipes used therewith,
17 which said water right is used on land just described, 154.07
acres.

18

19

20

21

22

23

24 STATE OF IDAHO,

25 County of Clearwater

26 I hereby certify that the foregoing is a full,
27 true, and correct copy of an instrument as the same
now remains on file and of record in my office.

28 WITNESS my hand and official seal hereto affixed
29 this 29 day of May A.D., 1981.
30 FRANCES PHILPOT, CLERK OF THE DISTRICT COURT
31 EX OFFICIO AUDITOR AND RECORDER.

By Deputy J. Johnson

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