

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Claim ID: 97-9814Date Received: 5/14/24Receipt No: N044649Claim Fee: \$25.00 By: YMB

RECEIVED

MAY 14 2024

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) Graham and Kerry Hutchinson Phone (509) 240-4201
Mailing address 934 Bonnie Brae St, Walla Walla, WA Zip 99362
Street or Box City State
Email address (optional) kerriandhutch@outlook.com
- Date of priority: (Only one per claim) 1956 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Priest Lake
which is tributary to (b) Priest River
- Location of point of diversion is: Township 59N, Range 04W, Section 3,
1/4 of 1/4, or Govt. Lot BM, County of BONNER COUNTY;
Parcel no. RP 059630010040 A
Additional points of diversion, if any: _____
If available, GPS coordinates: LAT 48.49604° LONG -116.8411°
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Domestic pump drawing water from Priest Lake delivering the water to a cabin through a 1" diameter pipe line.

- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Domestic, 1 home purposes from Month/Day 1-1 to Month/Day 12-31 amount cfs (✓) or AFY () 0.04
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.04 cfs (✓) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
Domestic water supply for one home

9. Location of place of use is: Township 59N, Range 04W, Section 3,
1/4 of 1/4, Govt. Lot BM, Parcel no. RP 059630010040 A
If different than shown in Item 4
for (check one) **Domestic** (✓) **Stock** () **Domestic and Stock** ()

Additional places of use, if any _____

10. In which county(ies) are lands listed above as place of use located? Bonner Country

11. Do you own the property listed above as place of use? Yes (✓) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Well on property. Continuous yield is very low, approximately 1 gpm = 0.0022 cfs or None ()

13. Remarks (include an explanation of the priority date selected):

Attached documents. Hutchinson-notes.pdf Hutchinson Proof of Prior Water Use.pdf
Hutchinson Lease Purchase 2004.pdf Hutchinson Deed Instrument 892054.pdf

14. Basis of claim (check one) **Beneficial Use** (✓) **Posted Notice** () **License** () **Permit** () **Decree** ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Clark Fork-Pend Oreille River Basin Water System Adjudication."
(b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) *S.L. Hutchinson* Date: 5/7/2024
R. Hutchinson Date: 5/7/2024

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

Graham and Kerry Hutchinson
934 Bonnie Brae St
Walla Walla, WA 99262

May 7 2024

Michael Thompson
Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

Dear Michael

Here are notes and documents demonstrating domestic water use of Priest Lake surface water dating back to the 1950s at our property located at the following address.

934 Sherwood Beach Road, Coolin, ID 83821
Lot 4 Block 1 Kokanee Point State Subdivision
Township 59N Range 04W Section 3 Parcel RP 059630010040 A

This property was formally owned by the Idaho Department of Lands and was referred to as Priest Lake State Lease Lot I (letter i). In latter years the lease number was R-1307.

Hutchinson Proof of Prior Water Use.pdf

This document was recently supplied to us by the Idaho Department of Lands with historic information of Lease Lot I. I have highlighted relevant notes in yellow. The document shows:

- A water system was established in 1956
- A cabin was established in 1958
- The lessee at the time, Herb Roehling applied on March 24 1971 to construct a boat house and in doing so would remove an old pump house. This demonstrates that there was a pump house at the edge of the lake for many years prior to 1971.

Hutchinson Lease Purchase 2004.pdf

This document shows our purchase of the lease for Lot I and the cabin in 2004.

Hutchinson Deed Instrument 892054.pdf

This document shows our purchase of the lot from the Idaho Department of Lands.

I trust these documents show use of Priest Lake surface water for domestic purposes dating back to the 1950s.

Sincerely

A handwritten signature in black ink that reads "G. L. Hutchinson". The signature is written in a cursive, flowing style.

Graham Hutchinson

Name
Roehling, H.A.

Address
Noxon, Montana

Lot No.
I

	Yes	No	Number	Length	Width	Approx. cost future plans	New improve- ment Costs	Old improve- ment Costs	Year improve- ments made	Total Value
Cabin	X		1	16'	18'	\$500.00	\$604.00	\$400.00	1957	\$400.00
Sheds	X		1	8'	10'	30.00				80.00
Outhouse	X		1	5'	4'	150.00				150.00
Docks	X		1	8'	40'	200.00		20.00	1958	220.00
Boathouse		X								
Electricity	X			x	x	30.00		40.00	1959	70.00
Water System	X		1	x	x			100.00	1956	100.00
Trees Removed	X		4	x	x				1959	30.00
Roads				20'	15'			30.00	1957	30.00

Other Improvements: Same work done on outside steps & retaining walls - more to be done.

STATE OF IDAHO

Date July 29, 1958

Permission is hereby granted to Herb Roehling for the
removal of 2 Larch (dead) 12" dia.
1 Cottonwood 8" dia.
1 Larch (snag) 14" dia. Build new toilet located on Lot I

of Priest Lake Cottage Site, Lease No. 14667

Trees to be cut and removed by Lessee Yes

Trees to be cut and removed by State

STATE LAND DEPARTMENT

By J. E. BRANDON
J. E. BRANDON, State Land & Timber Agent



Noxon, Mt. 59853
March 24, 1971

Dear Mr. Vandenberg:

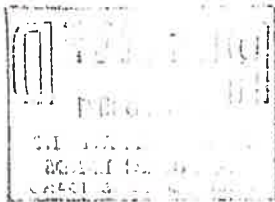
We would like permission to build a boat house on shore at our place at Priest Lake (Lot I). The building would be 12' x 24' which would be large enough to house the boat and domestic water pump. The old pump house would be torn down. The building would be of wood construction with a green roof of either composition or colored metal.

We plan to be at the lake April 9th for a stay of two weeks. Would like to do some preliminary work at that time if permission is granted.

Sincerely,



Herb Roehling



ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

Instrument # 892054

BONNER COUNTY, SANDPOINT, IDAHO
7-21-2016 9:25:50 AM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE INSU
Michael W Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: DEED

Randi Fletcher

STATE OF IDAHO DEED

20223049TD/ST1949RL

DEED NO. SD14077

(934 Sherwood Beach Road, Coolin, ID 83821)

THIS STATE DEED ("Deed") is made this 6th day of July, 2016, by the **STATE BOARD OF LAND COMMISSIONERS**, whose mailing address is P.O. Box 83720, Boise, Idaho 83720-0050 ("**Grantor**"), and **Graham L. Hutchinson & Kerry L. Hutchinson, husband and wife**, whose mailing address is 934 Bonnie Brae, Walla Walla, WA 99362 ("**Grantee**").

WITNESSETH: That Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey, release and quitclaim unto Grantee all of Grantor's right, title and interest in and to the following described real property, with a street address of 934 Sherwood Beach Road, Coolin, ID 83821 ("**Property**"), situated in Bonner County, State of Idaho, to-wit:

Lot 4 Block 1 of STATE SUBDIVISION - KOKANEE POINT, according to the plat thereof, recorded in Book 10 of Plats, page 177, as Instrument No. 843544, records of Bonner County, Idaho.

TOGETHER WITH:

1. All mineral rights pursuant to Idaho Code § 47-711(1).
2. The tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.
3. "State of Idaho Declaration of Access Easement, State Subdivision — Kokanee Point and State Subdivision - Kokanee Point First Addition, No. ES100016", upon the terms, conditions and provisions contained therein, recorded in the records of Bonner County, Idaho, as Instrument No. 865288.
4. "State of Idaho Declaration of Driveway and Utility Easement, State Subdivision — Kokanee Point and State Subdivision - Kokanee Point First Addition, No. ES100081", upon the terms, conditions and provisions contained therein, recorded in the records of Bonner County, Idaho, as Instrument No. 865296; and clarified and corrected by Instrument No. 877422.
5. The granting of an easement for ingress and egress over, across and along all existing roads as described in that certain "Amended State of Idaho Easement No. 4744", recorded in the records of Bonner County, Idaho as Instrument No. 861624.

SUBJECT TO all matters, whether or not of record, specifically including, but not limited to, if any:

1. "State of Idaho Declaration of Access Easement, State Subdivision — Kokanee Point and State Subdivision - Kokanee Point First Addition, No. ES100016", upon the terms, conditions and provisions contained therein, recorded in the records of Bonner County, Idaho, as Instrument No. 865288.
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3. The terms, conditions and provisions contained in that certain "Amended State of Idaho Easement No. 4744", recorded in the records of Bonner County, Idaho as Instrument No. 861624.

RESERVING THEREFROM, a right of way for ditches constructed by authority of the United States as identified in Idaho Code § 58-604.

The Property is conveyed "**AS-IS**", with no representation or warranty of any kind as to the fitness of the Property for any particular purpose, including any portion of the Property which may be identified as drainfield property in this Deed or on any plat recorded in the records of Bonner County, Idaho.

STATE OF IDAHO DEED

2672369101571941RL

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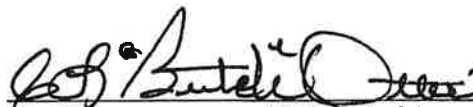
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The Property is conveyed "**AS-IS**", with no representation or warranty of any kind as to the fitness of the Property for any particular purpose, including any portion of the Property which may be identified as drainfield property in this Deed or on any plat recorded in the records of Bonner County, Idaho.

TO HAVE AND TO HOLD, all and singular, the Property unto the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, I, C.L. "BUTCH" OTTER, the Governor of the State of Idaho and President of the State Board of Land Commissioners, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 6 day of July, 2016.



Governor of Idaho and President of the
State Board of Land Commissioners

COUNTERSIGNED:


Secretary of State
Director, Department of Lands

STATE OF IDAHO)
) ss.
County of Ada)

On this 6th day of July, in the year 2016, before me a Notary Public in and for said State, personally appeared C.L. "BUTCH" OTTER, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, and LAWRENCE E. DENNEY, known to me to be the Secretary of State of the State of Idaho, and THOMAS M. SCHULTZ, JR, known to me to be the Director of the Department of Lands of the State of Idaho, who executed the said instrument and acknowledged to me that such State of Idaho executed the same.




Notary Public for the State of Idaho
Residing at: Boise, ID
My Bond expires: 8-11-2020

West, Montana



**COTTAGE / RESIDENCE SITE LEASE
STEVEN & SANDRA SMITHMEYER**

No. R-1397

FILED BY

2004 APR 15 A 9 53

MARIE SCOTT
BONNER COUNTY RECORDER

ASSIGNED TO:

**GRAHAM & KERRY HUTCHINSON, husband
and wife of 934 BONNIE BRAE WALLA
WALLA WA 00362**

RECORDED: APRIL 7, 2004

647947

This lease agreement is made and entered into by and between the State of Idaho, acting by and through the State Board of Land Commissioners (LESSOR) and STEVEN & SANDRA SMITHMEYER, 3321 S 79TH AVE, YAKIMA, WA 98903 (LESSEE), collectively referred to herein as the "Parties." In consideration of the mutual covenants and conditions contained herein, the Parties agree as follows:

This lease shall commence **JANUARY 1, 2001**, and terminate **DECEMBER 31, 2010**, unless terminated earlier as provided in this lease.

The LESSOR does hereby lease and demise unto the LESSEE, at the rate and for the use specified herein, the lands described as follows (hereinafter referred to as the "leased premises"): T59N, R4W, Section 3, **Lot 1** in Govt. Lot 3, Bonner County.

In consideration of the foregoing, the covenants, restrictions and conditions in the attached, herein incorporated by reference as Attachment A, are hereby agreed to by LESSEE and LESSOR.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

IDAHO STATE BOARD OF LAND COMMISSIONERS

Pete T. Cenarrusa
Secretary of State

Dirk Kempthorne
President of the State Board of Land Commissioners
Governor of the State of Idaho

Winston A. Wiggins
Acting Director, Idaho Department of Lands

STATE OF IDAHO, COUNTY OF ADA

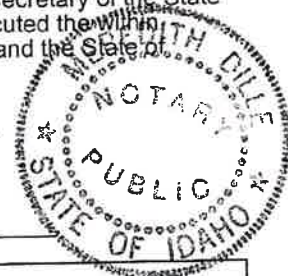
On this 2th day of April in the year 2001, before me, a Notary Public in and for said State, personally appeared Dirk Kempthorne, known to me to be the President of the Idaho State Board of Land Commissioners and the Governor of the State of Idaho; and Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho and Winston A. Wiggins, known to me to be the Acting Director, Department of Lands, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Meredith Delle
Notary Public

Boise
Residence

2/5/01
Commission Expires



LESSEE AND NOTARY SIGNATURES

Steven Smithmeyer (LESSEE)

Sandra J. Smithmeyer (LESSEE)

STATE OF WASHINGTON COUNTY OF YAKIMA

On this 4th day of APRIL in the year 2001, before me, a Notary Public in and for said State, personally appeared

STEVEN AND SANDRA SMITHMEYER, known to me to be the LESSEE that executed the within instrument, and acknowledged to me that they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Deane M. Young
Notary Public

YAKIMA, WA. 98908
Residence

1-11-2002
Commission Expires

HUTCHINSON
934 SHERWOOD BEACH ROAD
COOLIN, ID 83821
Lot 4 Block 1 Kolanee Point State Subdivision
Township 55N Range 04W Section 3
PARCEL RP 059630010046 A

