

RECEIVED

JAN 25 2019

IDWR/NORTHERN
Form No. 42-1409-1 (Internet 5/17)

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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Claim ID: 95-17758

Date Received: 1-25-2019

Receipt No: N034016

Claim Fee: 2932.50 By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) City of Spirit Lake, ID Phone (208) 623-2131
Mailing address P.O. Box 309 Spirit Lake ID 83869
Street or Box City State
Email address (optional) renee.eastman@spiritlakeid.gov

2. Date of priority: (Only one per claim) October/02/1913 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) Spirit Lake
which is tributary to (b) Spirit Creek

4. a. Location of point of diversion is: Township 53N, Range 04W, Section 07,
NE 1/4 of NE 1/4, Govt. Lot 9, BM, County of Kootenai

Parcel no. _____

Additional points of diversion, if any: 4 wells, see Attachment #1, 95-9581, 95-9725, 95-9591, 95-9950

If available, GPS Coordinates 47 deg 57' 35.59"N, 116 deg 52' 25.26"W

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,

Govt. Lot _____, BM, County of _____

5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, 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.

See Historical Documents in Water Right archives for 95-9677 for a complete description of the diversion. The existing pump house is located adjacent to the current boat launch. The pump house contained the lake intake piping, pumping systems, and discharge to the City distribution system. See Attachment #2 for well diversions.

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6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)
 For Municipal purposes from 1/1 to 12/31 amount 25 or 1,890
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 25 (cfs) and/or (b) 1,890 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Municipal, See Attachment 3 for Place of Use, Maintain Lake Level,

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

Parcel no(s) _____ Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes () No ()
 If your 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.
95-9581, 95-9725, 95-9591, 95-9950 or None ()

13. Remarks (Include an explanation of the priority date selected):
The Place of Use is the service area of the municipality as defined in I.C. 42-202B(9). The service area encompasses the designated Area of City impact as described in Kootenai County Ordinance 225 attached as Attachment #4 and as amended in the future. The service area also includes the incorporated city limits of Spirit Lake as it currently exists and as it is expanded in the future through annexation. A map of the current city limits is attached as Attachment #5. 95-9677 was the original water right covering the diversion, pumping system, storage reservoir and distribution system to the City of Spirit Lake. Water was provided to the City consistent with this right from 1907 through 1963 when the lake was deemed contaminated and the City switched to groundwater wells. Sale of the original water right from the Spirit Lake Land Company to the City of Spirit Lake is included as Attachment 6. A system description is included as Attachment #7.

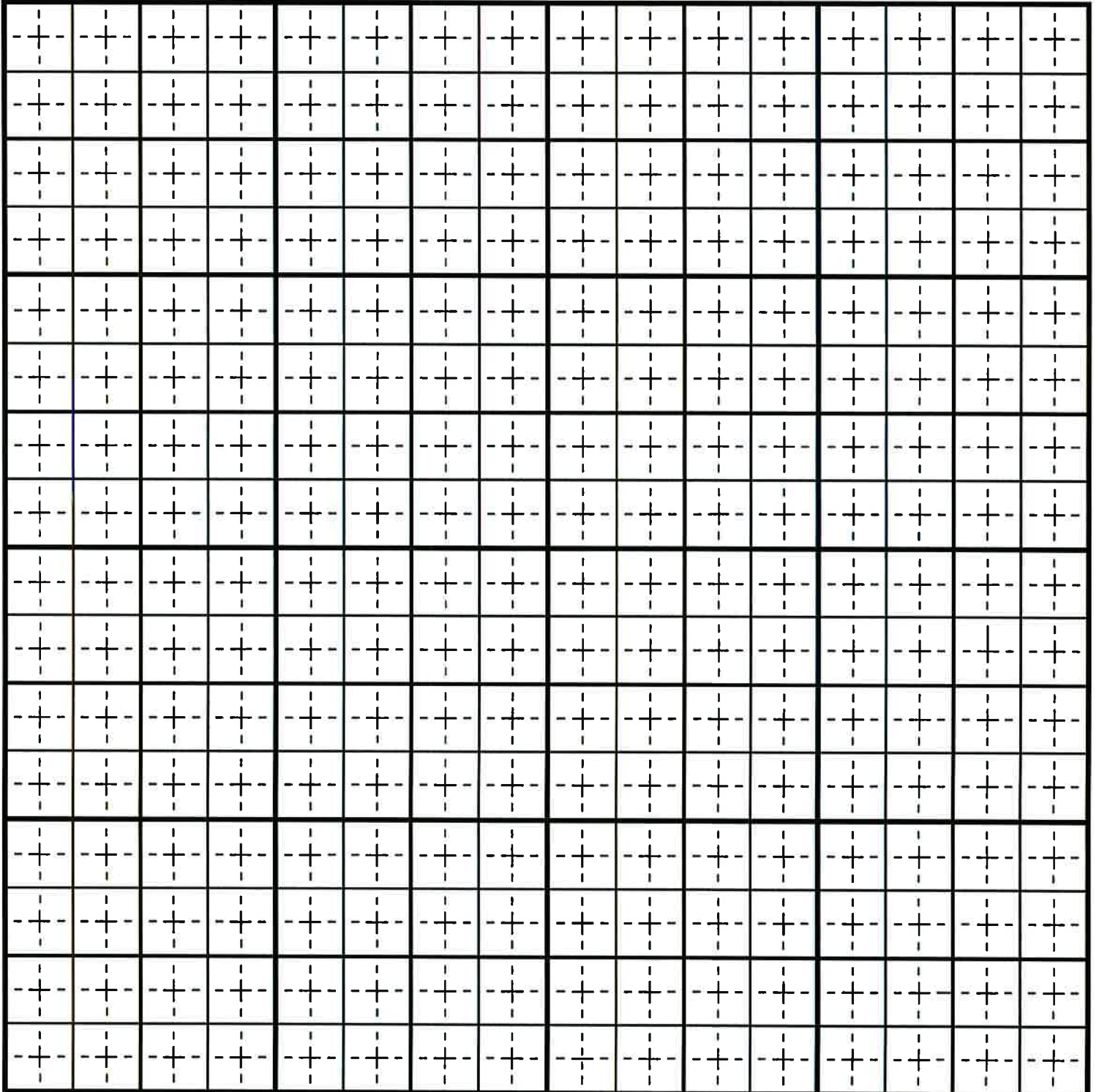
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Name of claimant(s) City of Spirit Lake, ID

Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) City of Spirit Lake, ID

Claim ID _____

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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 95-9677, 95-9678

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 Coeur d'Alene-Spokane 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: 7

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) _____ Date: _____

_____ Date: _____

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

MAYOR of City of Spirit Lake
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 Renee Eastman Date 1-25-19

Printed Name of Authorized Agent Renee Eastman

16. Notice of Appearance:

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of 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 _____

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Name of claimant(s) City of Spirit Lake, ID Claim ID _____

ATTACHMENT #1

POINTS OF DIVERSION

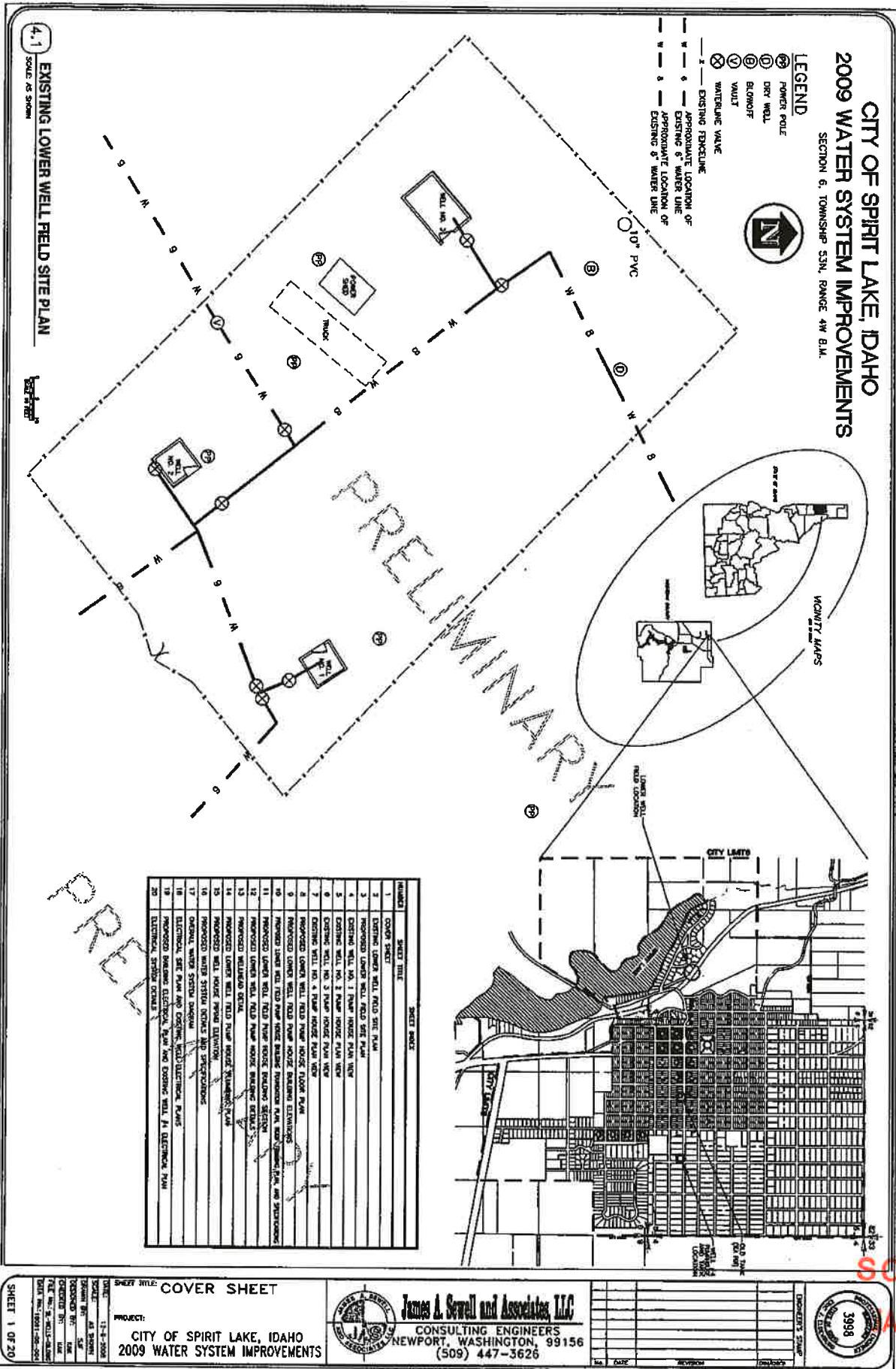
The points of diversion consist of 4 separate wells.

Three wells are located in a well field which is located in Township 53N Range 04W Section 06 SE1/4 of SE1/4 Government Lot 9 BM, County of Kootenai. Tax Assessor Parcel No. S00000069250

The fourth well is located in Township 53 N Range 04W Section 05 NE1/4SW1/4 County of Kootenai. Tax Assessor Parcel No. S600102005A

The physical location of the wells are shown on Exhibit "A" to this attachment

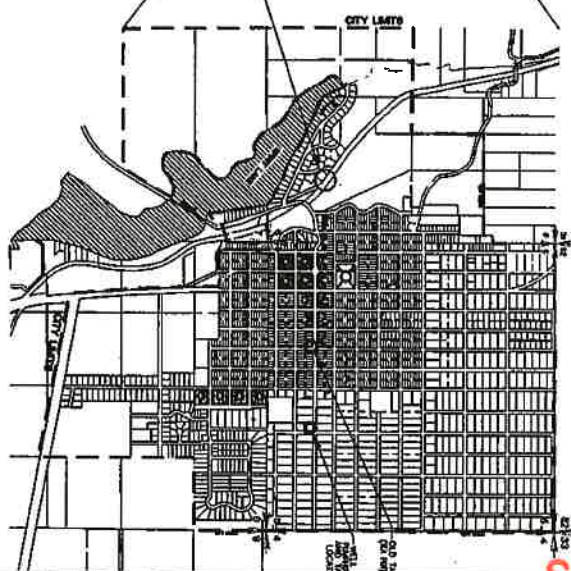
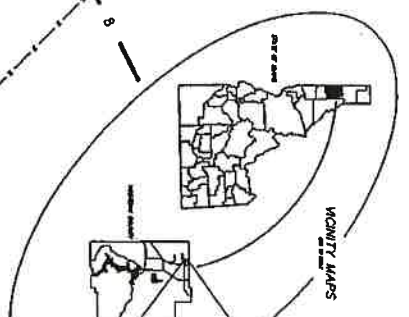
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4.1
SCALE AS SHOWN
EXISTING LOWER WELL FIELD SITE PLAN

CITY OF SPIRIT LAKE, IDAHO
2009 WATER SYSTEM IMPROVEMENTS
SECTION 6, TOWNSHIP 53N, RANGE 4W B.M.

- LEGEND**
- ⊕ POWER POLE
 - ⊙ DRY WELL
 - ⊖ BLOWOFF
 - ⊗ VALVE
 - ⊗ WATERLINE VALVE
 - EXISTING FENCING
 - - - APPROXIMATE LOCATION OF EXISTING 8" WATER LINE
 - - - APPROXIMATE LOCATION OF EXISTING 10" WATER LINE



PRELIMINARY

NUMBER	SHEET TITLE	SHEET INDEX
1	COVER SHEET	
2	EXISTING LOWER WELL FIELD SITE PLAN	
3	PROPOSED LOWER WELL FIELD SITE PLAN	
4	EXISTING WELL NO. 1 TANK HOUSE PLAN VIEW	
5	EXISTING WELL NO. 2 TANK HOUSE PLAN VIEW	
6	EXISTING WELL NO. 3 TANK HOUSE PLAN VIEW	
7	EXISTING WELL NO. 4 TANK HOUSE PLAN VIEW	
8	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
9	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
10	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
11	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
12	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
13	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
14	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
15	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
16	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
17	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
18	ELECTRICAL SITE PLAN AND EXISTING WELL ELECTRICAL PLANS	
19	PROPOSED LOWER WELL FIELD TANK HOUSE EXTERIOR ELEVATIONS	
20	ELECTRICAL SYSTEM DETAILS	

SHEET TITLE: COVER SHEET
PROJECT: CITY OF SPIRIT LAKE, IDAHO 2009 WATER SYSTEM IMPROVEMENTS

James A. Sewell and Associates, LLC
CONSULTING ENGINEERS
NEWPORT, WASHINGTON, 99156
(509) 447-3626

ENGINEER'S SEAL
3998
DATE: 12-1-2008
SCALE: AS SHOWN
DRAWN BY: JAS
CHECKED BY: JAS
DATE: 12-1-2008

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ATTACHMENT #2

DESCRIPTION OF EXISTING DIVERSION WORKS

The diversion works consists of 4 wells, two storage tanks and a piped diversion system.

The depths and pumping capacity of the wells are as follows:

Well #1 is 359 ft. in depth 95 gpm
Well #2 is 389 feet in depth 150 gpm
Well #3 is 410 feet in depth 1300 gpm
Well #4 is 632 feet in depth 650 gpm

The storage system consists of a standpipe that has a total storage capacity of 236,100 gallons, with 136,000 of those gallons usable capacity. A second storage tank has usable capacity of 85,000. The total usable storage capacity between the two tanks is 221,000 gallons.

The water is distributed to the users within the service area from the wells and storage tanks through an underground water main line distribution system.

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ATTACHMENT #3

DESCRIPTION OF PLACE OF USE

The following is the Place of Use as defined by the Area of City Impact and the current city limits, and is subject to change based on amendments to the service area as described in the explanation in question #13 Remarks.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	04	4	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	5	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	6	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	7	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	8	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	9	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	16	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	17	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
53N	04	18	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	

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ORDINANCE NO. 225

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, ADOPTING A MAP IDENTIFYING THE SPIRIT LAKE AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Spirit Lake, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Spirit Lake within the unincorporated area of Kootenai County; and

WHEREAS, a joint public hearing, pursuant to public notice as required by law, was held by the Spirit Lake City Council and the Kootenai County Board of Commissioners on March 20, 1995, on the Map identifying an Area of City Impact; and

WHEREAS, the City of Spirit Lake and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon a Map identifying an Area of City Impact, as Area 1, and a Watershed Notification Area, as Area 2, for the City of Spirit Lake within the unincorporated area of Kootenai County, Idaho;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Kootenai County, Idaho:

Section 1

That Area of City Impact and Watershed Notification Area; known as Areas 1 and 2, respectively, within the unincorporated area of Kootenai County are particularly described in Section 2 below, and also set forth on the Map set forth in said Section 2, which Map shall be in effect until amended or modified as allowed by law.

Section 2

A legal description for the exterior boundary of the Area of City Impact, Area 1, for the City of Spirit Lake, Idaho:

BEGINNING at the northeast corner of Section 4, Township 53 North, Range 4 West, Boise Meridian;

THENCE, west along the north line of Sections 4, 5, and 6, to the northwest corner of Section 6, Township 53 North, Range 4 West, B.M.;

THENCE, south along the west line of Sections 6, 7, and 18, to the southwest corner of Section 18, Township 53 North, Range 4 West, B.M.;

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THENCE, east along the south line of Sections 18, 17, and 16, to the southeast corner of Section 16, Township 53 North, Range 4 West, B.M.;

THENCE, north along the east line of Sections 16, 9, and 4, to the northeast corner of Section 4, Township 53 North, Range 4 West, B.M., the point of beginning.

A legal description for the exterior boundary of the Watershed Notification Area, Area 2, for the City of Spirit Lake, Idaho:

BEGINNING at the northeast corner of Section 1, Township 53 North, Range 5 West, Boise Meridian;

THENCE, west along the north line of said Section 1 and Section 2, Township 53 North, Range 5 West, B.M., to a point that is the northwest corner of the northeast quarter of said Section 2;

THENCE, south along the west line of the northeast quarter of Section 2 to the southwest corner of said quarter section;

THENCE, west along the half section line of Sections 2, 3, and 4, to the northwest corner of the south 1/2 of Section 4, Township 53 North, Range 5 West, B.M.;

THENCE, south along the west line of said half section, to the northeast corner of Section 8, Township 53 North, Range 5 West, B.M.;

THENCE, west along the north line of Section 8, to the northwest corner of said section;

THENCE, south along the west line of Sections 8, 17, 20, and 29, to the half section line of Section 29, Township 53 North, Range 5 West, B.M.;

THENCE, east along the half section line of Sections 29, 28, 27, and 26, to the southeast corner of the north 1/2 of Section 26, Township 53 North, Range 5 West, B.M.;

THENCE, north along the east line of Section 26, to the southwest corner of Section 24, Township 53 North, Range 5 West, B.M.;

THENCE, east along the south line of Sections 24 and 19, to the southeast corner of Section 19, Township 53 North, Range 4 West, B.M.;

THENCE, north along the east line of Section 19, to the southwest corner of the north 1/2 of Section 20, Township 53 North, Range 4 West, B.M.;

THENCE, east along the south line of the half section to the southeast corner of said half section;

THENCE, north along the east line of Section 20, to the northeast corner of Section 20, Township 53 North, Range 4 West, B.M.;

THENCE, west along the north line of Sections 20 and 19, to the northwest corner of Section 19, Township 53 North, Range 4 West, B.M.;

THENCE, north along the east line of Sections 13, 12, and 1, to the northeast corner of Section 1, Township 53 North, Range 5 West, B.M., the point of beginning.

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R5W



R4W

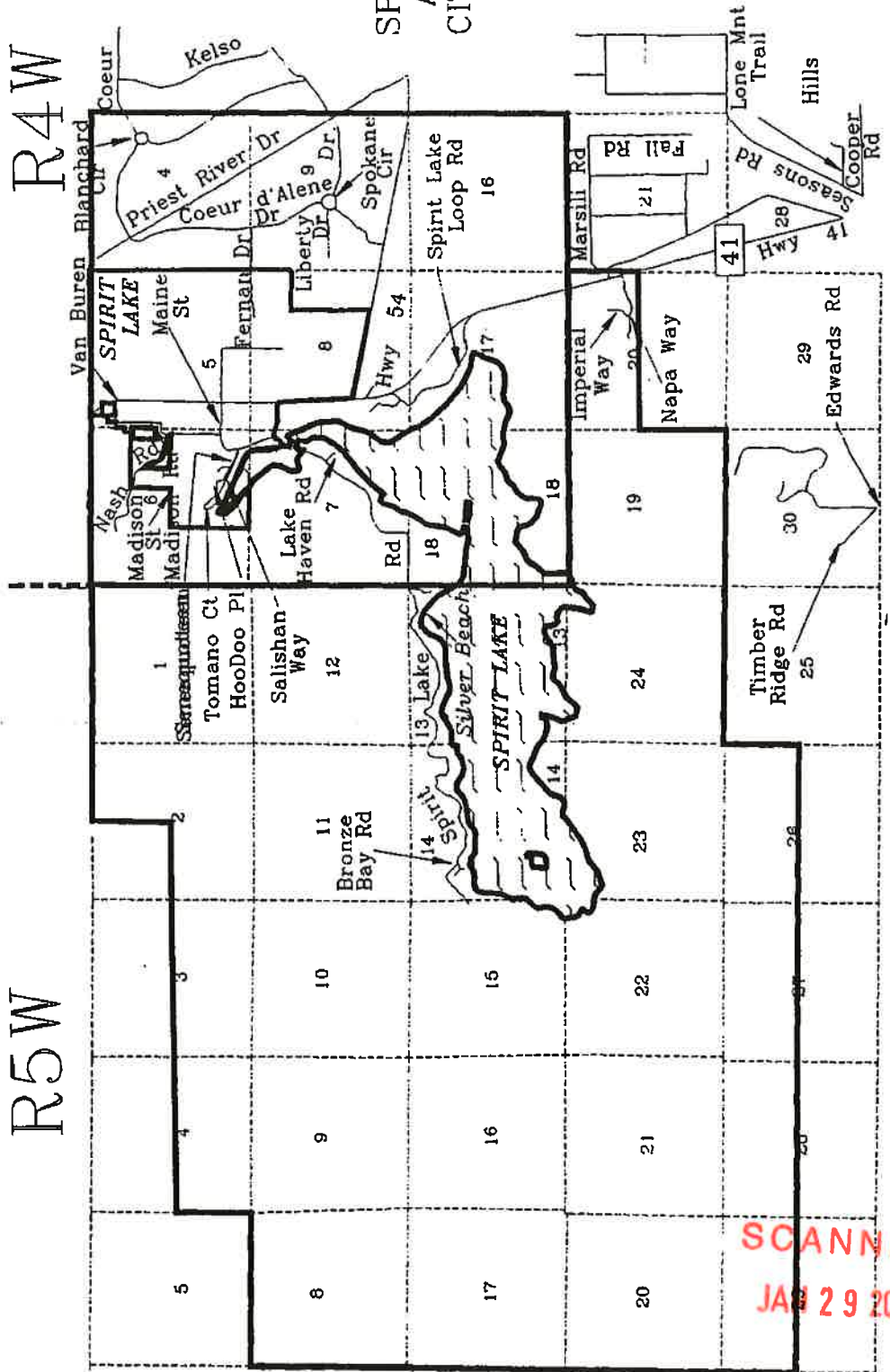


PREPARED BY
NORMAN COLBERT
CONSULTING ENGINEERING SERVICE
MARCH 4, 1988

SPIRIT LAKE AREA OF CITY IMPACT

LEGEND

-  Area of City Impact
-  Watershed Notification Area



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JAN 29 2019

Section 3

This Map is adopted in conjunction with Ordinance No. 226, and is intended to be an integral part of said Ordinance.

Section 4

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Section 5

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by Board of County Commissioners of Kootenai County, Idaho, or the validity of any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 6

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

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Section 7

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 19th day of April 1995.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

D. L. Compton
Dick Compton, Chairman

R. Macdonald
Bob Macdonald, Commissioner

Richard C. Panabaker
Richard C. Panabaker, Commissioner

ATTEST:

TOM TAGGART, CLERK

Kelly J. Shaffer
BY: Deputy Clerk

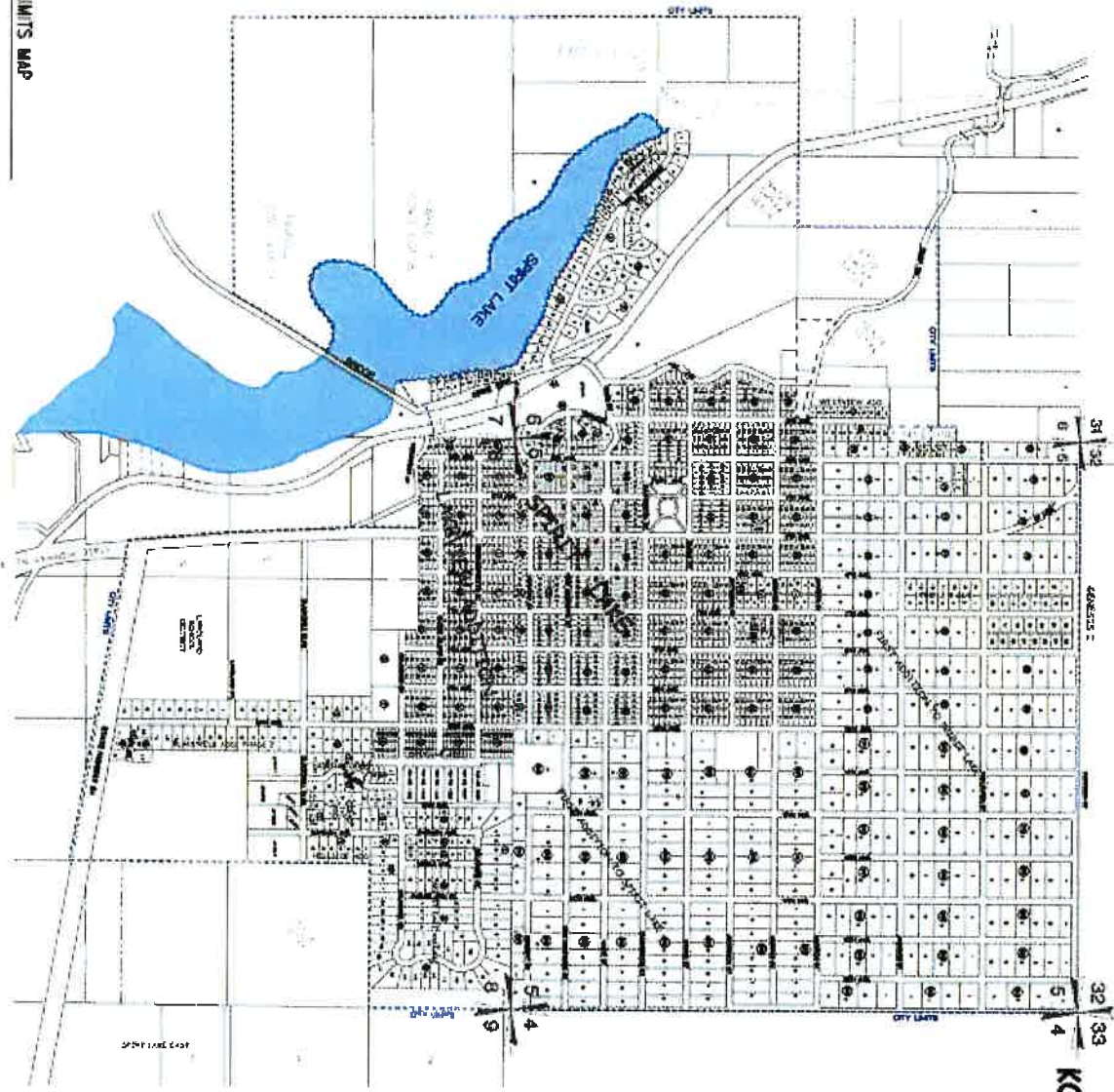
Publish: April 24, 1995

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4.1 SPIRIT LAKE CITY LIMITS MAP
SCALE: 1" = 400'

LEGEND
CITY LIMITS = 4/20/03



TOWNSHIP 53 NORTH
RANGE 4 WEST, B.M.
KOOTENAI COUNTY, IDAHO

CITY OF SPIRIT LAKE
P.O. BOX 309
SPIRIT LAKE, IDAHO 83260
(208) 623-2131

SHEET TITLE		CITY LIMITS MAP	
PROJECT		CITY OF SPIRIT LAKE KOOTENAI COUNTY, IDAHO	
DATE		4/20/03	
DRAWN BY		JAS	
CHECKED BY		JAS	
SCALE		1" = 400'	
PROJECT NO.		2003-001	
DRAWING NO.		1	
DATE		4/20/03	
BY		JAS	
CHECKED		JAS	
DATE		4/20/03	
PROJECT		CITY OF SPIRIT LAKE	
DRAWING		CITY LIMITS MAP	
DATE		4/20/03	
BY		JAS	
CHECKED		JAS	
DATE		4/20/03	

James A. Sewell and Associates, LLC
CONSULTING ENGINEERS
NEWPORT, WASHINGTON, 99156
(509) 447-3626

ATTACHMENT #5

CITY OF SPIRIT LAKE

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ATTACHMENT #6

WATER RIGHT SALE

FROM: SPIRIT LAKE LAND COMPANY

TO: THE CITY OF SPIRIT LAKE

SCANNED

JAN 29 2019

D E E D

THIS INDENTURE, WITNESSETH:

That the SPIRIT LAKE LAND COMPANY, a corporation organized and existing under the laws of the State of Idaho, party of the first part, in consideration of the sum of Ten Dollars to it in hand paid by the CITY OF SPIRIT LAKE, a municipal corporation of Kootenai County, Idaho, party of the second part, does hereby grant, bargain, sell and convey unto the said party of the second part all that real estate situated in Kootenai County, State of Idaho, described as follows; to-wit:

That certain water right to the amount of ten second feet, taken out of the waters of Spirit Lake, in the County of Kootenai, State of Idaho, at point of diversion on Lot 9, Section 7, Township 53 N. Range 4 W. B. M., as such water right is measured and defined by the Commissioner of Reclamation of Idaho by water license and certificate No. 9693 dated December 27, 1920.

to have and to hold all and singular the above bargained and described water right together with the appurtenances unto the party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the first part has caused this instrument to be executed by its duly authorized officers and its corporate seal to be affixed this 27th day of May, 1941.

SPIRIT LAKE LAND COMPANY

Robert R. Mowser
President

ATTEST

L. E. Moran
Secretary

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STATE OF IDAHO)
County of Kootenai) ss.

On this 27th day of May, 1941, before me, J. B. Peterson
a Notary Public in and for the State aforesaid, personally appeared Robert R. Mowser known to me to be the President of the Spirit Lake Land Company, the corporation described in, and whose name is subscribed to, the foregoing instrument and acknowledged to

NOTARY PUBLIC

137539

DEED INSTRUMENT

Spirit Lake Land Company
to
City of Spirit Lake

me that the said corporation executed the same.

State of Idaho }
County of Kootenai } ss.
Filed for record
at the request of

Melis J. Eggers

on 24 3 19
at 4:40 PM

and recorded in book 117

of Deeds 214

JAS. A. FOSTER

County Recorder
Asdath Babbi
Deputy

Fee \$ 1.00

Witness Atchal, Ida.

NOTARY PUBLIC
[Signature]

appearances into the party of the

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ATTACHMENT #7

EXISTING SYSTEM DESCRIPTION AND HISTORY



Original 1921 Chicago Bridge and Iron Water Tank

Rehabilitated 2005

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Brief History for the City of Spirit Lake Water System.

The City of Spirit Lake Water system was originally constructed by the Spirit Lake Land Company beginning in 1907. The Spirit Lake Land Company constructed a dam across the outlet of Spirit Lake to back up water and create a reservoir. A diversion and distribution system consisting of a pumphouse, lake water intake piping, multiple high capacity pumps, 100,000 gallon water tank, and a network of approximately 38,000 lineal feet of distribution piping ranging in size from 2-inch to 12-inches in diameter. The original water works withdrew water from Spirit Lake and distributed the water to the City for Municipal, Domestic, Industrial, Commercial, Fire Protection, and Irrigation uses. There were originally 349 service connections. The original water right, No. 9693 (currently updated to numbers 95-9677 and 95-9678) was perfected in 1920 with a priority date of October 2, 1913. The original water right claimed a 10 cubic feet per second (cfs) diversion plus an additional 15 cfs diversion for future development for a total of 25 cfs. Proof of beneficial use included construction of the entire water system including water lines, water tank, pumping facilities and dam. The Spirit Lake Land Company sold the water right, No. 9693 to the City of Spirit Lake in 1941.

According to the IDWR historic documents, the City of Spirit Lake residents were served water via this water right between the years of 1907 and 1963. In 1963 the lake water was deemed contaminated, and water for the City's municipal use was subsequently supplied by groundwater wells. After that time the lake water pump station was inactive; however, the distribution system and 100,000 gallon water reservoir continued in operation. The 100,000 gallon water reservoir was constructed in 1921 and is still in use today. This reservoir was rehabilitated and repainted in 2005, and it is anticipated that it will continue in use for an additional 50+ years. Throughout the City the existing steel and wooden water mainlines have been replaced and updated as they have reached their life expectancy. These updated water lines are located in the same streets and in the same locations as the original water lines. Today the same lots that received water from the original system are still receiving water via the same distribution network and storage system.

The place and type of use today is consistent with the original water system installed prior to 1920. The original intent for this water right was to provide water service to the City of Spirit Lake. The City of Spirit Lake is asserting a claim to this water right through proof of the 1941 sales agreement and deed, and through consistency in the intent and type of use today as it has been for over 100 years.

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