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IDWR / NORTH

**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

ID Number: 95-17356Date Received: 8-4-2017Receipt No: N/AAmount: \_\_\_\_\_ By: LW.

**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) MITCH MAIER OR HEAVIN MAIER Phone (971) 219-0682  
Mailing address 17731 E WELLESLEY AVE SPOKANE VALLEY WA ZIP 99216  
Street or Box City State
- Date of priority (only one (1) per claim) JUNE 22, 1914  
Month/Day/Year (yyyy)
- Source of water supply (check one) Ground Water ( ) or Other (x) (a) UNNAMED STREAM  
which is tributary to (b) TWIN LAKES
- Location of point of diversion is: Township 52N, Range 05W, Section 01  
NE 1/4 of NE 1/4, or Govt. Lot 1, B.M., County of KOOTENAI  
Parcel (PIN) no. \_\_\_\_\_  
Additional points of diversion, if any: \_\_\_\_\_  
If available, GPS coordinates \_\_\_\_\_
- 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.  
PIPE FROM STREAM TO STORAGE TANK THEN PIPELINE TO PLACE OF USE, GRAVITY FLOW
- Water is claimed for the following: (Limited to domestic and/or stockwater uses. See page 1 of the instructions.)  
For DOMESTIC purposes from 1/1 to 12/31 amount 0.04, 1.20  
Month/Day Month/Day cfs (x) AFY (x)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
- Total quantity claimed 0.04, 1.2 cfs (x) or AFY (x)
- Non-irrigation uses; describe fully (e.g. Domestic: give number of households served if single ownership; Stockwater: type and number of livestock, etc.): DOMESTIC, 1 HOME W/LAWN IRRIGATION

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9. Location of place of use is: Township 52N, Range 05W, Section 01, NE 1/4 of NE 1/4, or Govt. Lot 1, B.M., Parcel (PIN) no. (if different than shown in Item 4) LOT 2, BLK 2, PIONEER PARK AD  
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? 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.  
\_\_\_\_\_ or None (☒)

13. Remarks:  
\_\_\_\_\_  
\_\_\_\_\_

14. Basis of claim (check one) Beneficial Use (☐) Posted Notice (☐) License (☐) Permit (☐) Decree (☒)  
Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant TWIN LAKES  
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 Coeur d'Alene-Spokane River Basin 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: 15

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) *Mark Mann* Date: 8/4/17  
\_\_\_\_\_  
Date: \_\_\_\_\_

For organizations:

I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

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

Signature of authorized agent \_\_\_\_\_ Date \_\_\_\_\_

Title and organization \_\_\_\_\_

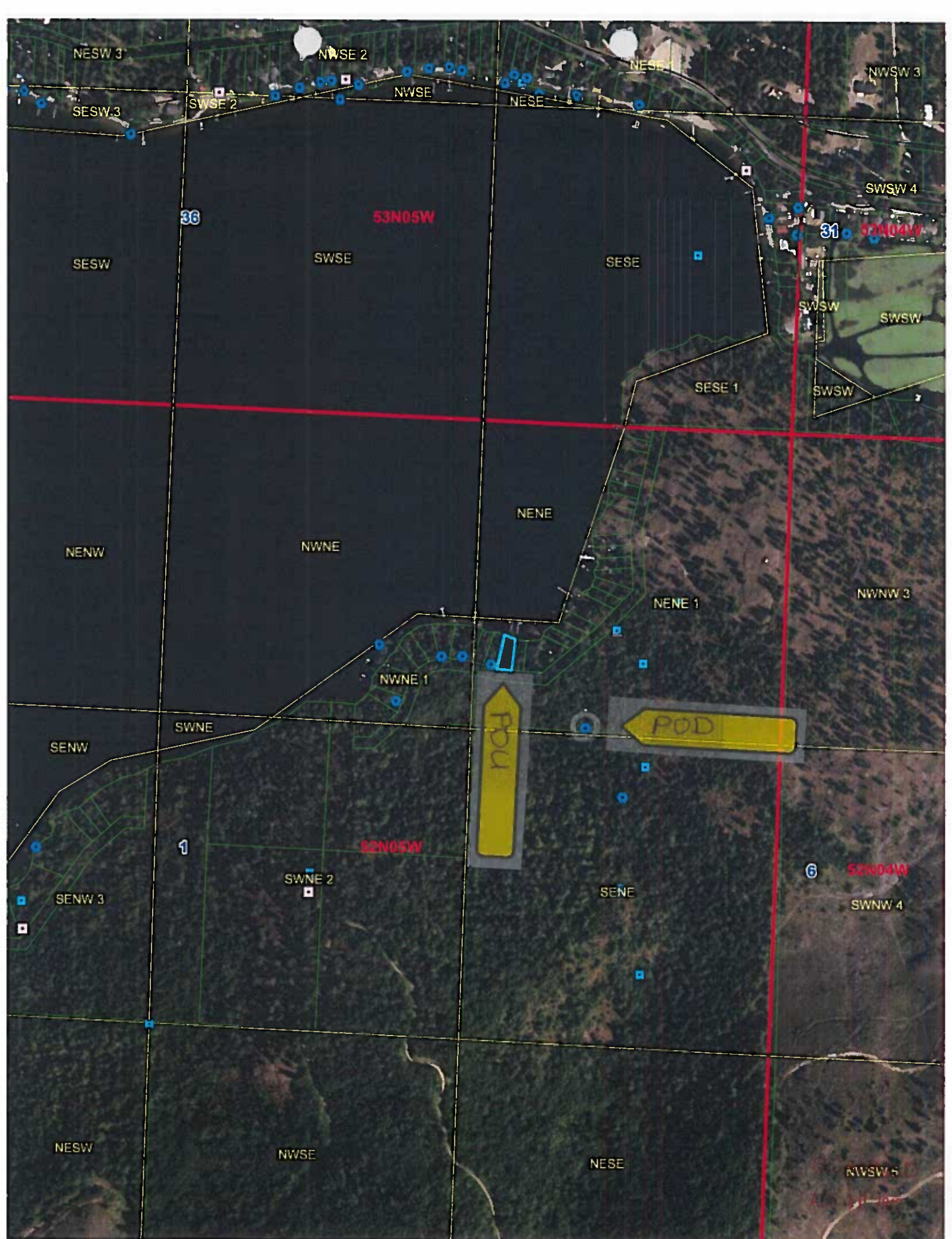
16. Notice of appearance:

Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of 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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Current residence  
is right behind  
large cottonwood  
tree.

8.4.2017

pg 1



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FOR RESALE OR DIGITALLY TRANSFERRED. ANY COMMERCIAL USE REQUIRES  
A WRITTEN REQUEST FOR PERMISSION FROM SPECIAL COLLECTIONS DEPARTMENT  
FOLEY CENTER LIBRARY GONZAGA UNIVERSITY, SPOKANE WA 99258-0001  
NEGATIVE NUMBER: msm Colln # 613-7



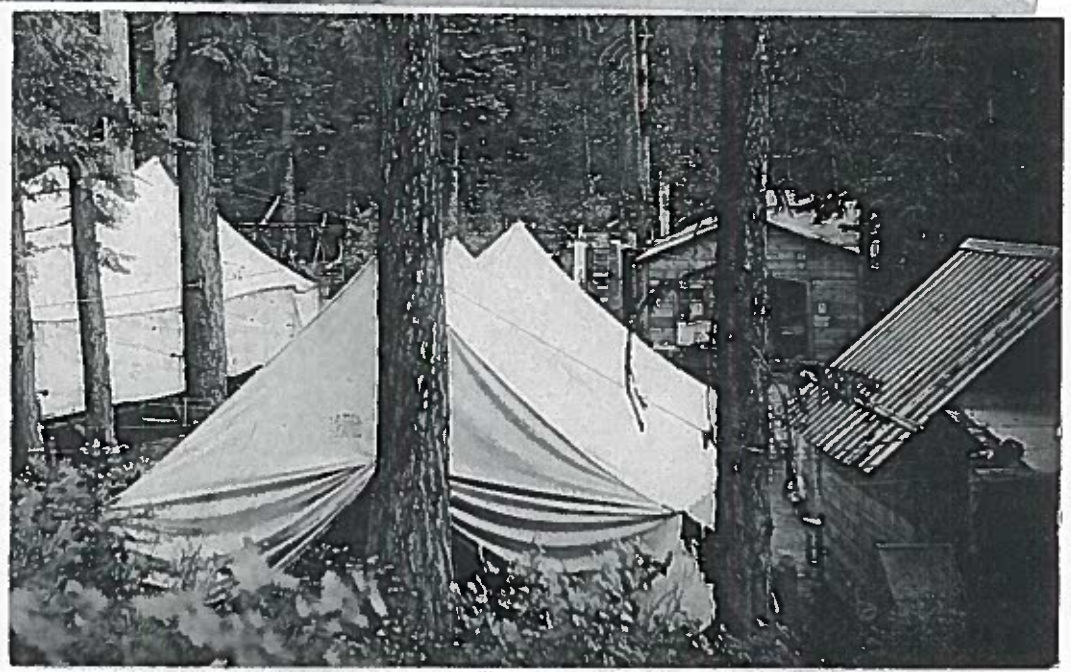
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Activities at  
Gonzaga Summer camp  
pg 2 & 3



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pc  
3



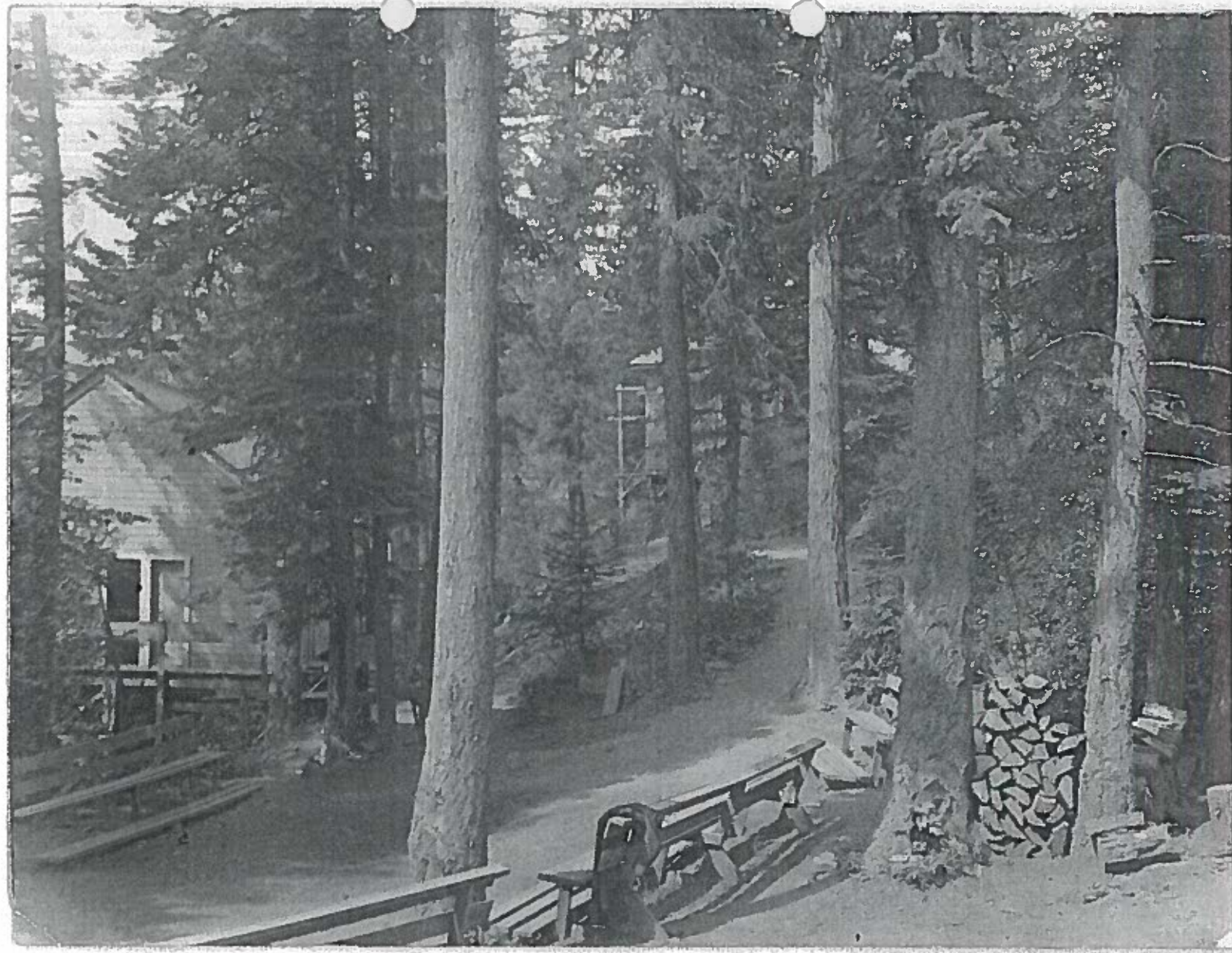
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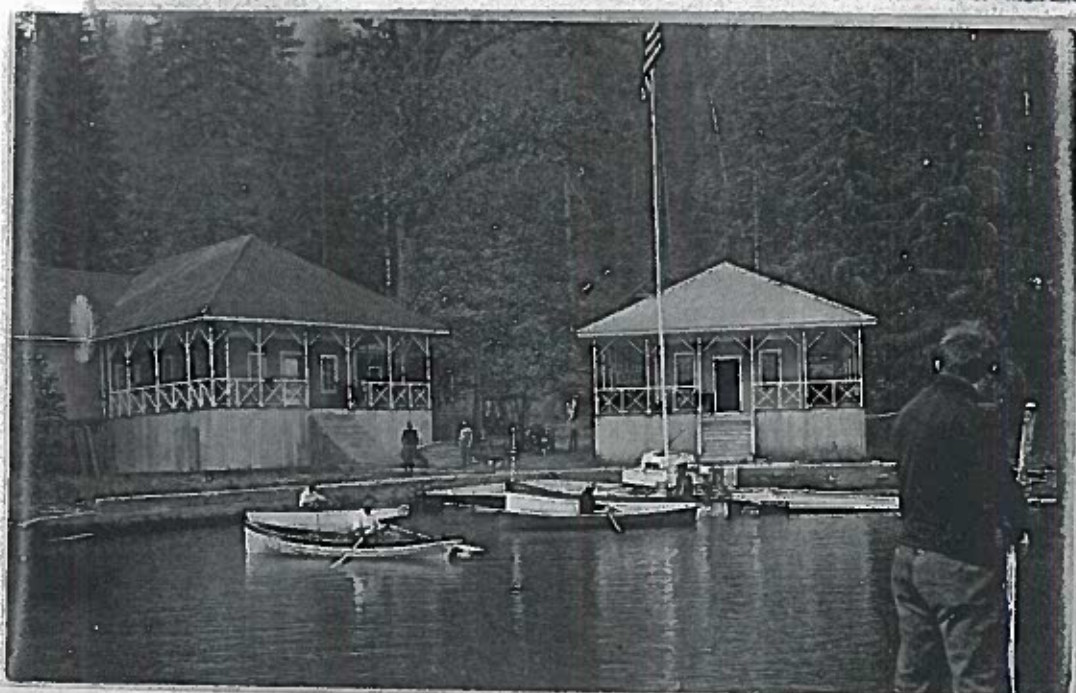
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NEGATIVE NUMBER: MSM Coll. # 613-2



COANNED  
AUG 14 1967



← 5 W

T. 52

S36

N  
W E  
S

Key Map for Deeds  
For special information  
consult other maps filed in  
a separate envelope with these  
deeds.

S31

VILLA  
GARAGE  
NEAR LAKE

UPPER  
TWIN LAKE

Rectangular block  
to the right in-  
dicates the lot  
mentioned in  
Deed No. 2



Legend for Property Included in Deeds  
(Series No. I)

Lot 1 is the whole checked  
area: the N.  $\frac{1}{2}$  of the N. E.  $\frac{1}{4}$  of  
Sec. I.

Lot 2 is the area below  
indicated with parallel bars:  
the S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of  
Sec. I.

VILLA

ST. MICHAEL'S

The creek which supplies  
water for the Villa has  
its source approximately  
here.

PANHANDLE L. CO.  
Property

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1.

S1

S6

7

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FOLEY CENTER LIBRARY, CORZAGA UNIVERSITY, SPOKANE WA 99258-0001  
NEGATIVE NUMBER: Procurement Colln. #162

Rath-  
drum  
State  
Bank  
Property



No. 15353

# APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: The Corporation of Gonzaga University, Spokane, Washington.

Postoffice address: Spokane County: Spokane State: Washington.

I. If applicant is a corporation, give

- (a) Date and place of incorporation: See Remark No. 1.  
(b) The amount of capital stock: No capital stock.  
(c) The amount paid in: Educational institution. Does not apply.  
(d) Names and addresses of directors: Rev. James M. Brogan, S.J.; Rev. Augustine Kroghsbach, S.J.; Rev. Joseph G. Cardon, S.J.; and Rev. John H. Heander, S.J.; all of Spokane, Washington.

II. The financial resources of the applicant are: (a) Cash on hand: \$6,715.01 on June 15, 1914.

- (b) Treasury stock: None (c) Bonds to be issued: None  
(d) Other resources: Real estate and other property in Washington, valued at \$200,000.00; and real estate in Idaho, valued at \$924.00.

2. The quantity of water claimed is one half ( $\frac{1}{2}$ ) cubic feet per second.

3. Source of water supply: Unnamed creek, or rivulet, rising approximately in SE  $\frac{1}{4}$  Sec. 1, Twp. 52 N., R. 5 W., B.M., and flowing across Lot 1, Sec. 1, Twp. 52 N., R. 5 W., B.M., in Kootenai County, Idaho, to Upper Twin Lake.

4. Location of point of diversion: See Remark No. 2

County of Kootenai

5. To be used for: Storage for domestic purposes under pressure.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: Thirty-six & 00/100 acres.  
(b) In the following legal subdivisions: Lots 1 and 2 in Section 1, Township 52, North, Range 5, West of the Boise Meridian, in Kootenai County, Idaho.

II. Mining, milling, power, manufacturing, transportation or other purposes.

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?  
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$150.00

7. Description of works for diversion:

I. Kind of works: See Remark No. 4

II. Dimensions of works: Not applicable. Neither dam nor reservoir, except 1000 gallons storage tank.

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit Pipes width at bottom feet,

width at water line feet, depth of water feet, diameter of pipe

6 and 2 inches, average grade per mile is feet. Length of conduit is miles,  
and it crosses the following quarter sections. All works and pipes on applicant's property,  
Lots 1 and 2 in Section 1, Twp. 52, N., R. 5 W., B.M., in NE  $\frac{1}{4}$  of Sec. 1, Twp.  
52 N., R. 5 W., B.M., in Kootenai County, Idaho, and crosses no other property.

8. The time required for the completion of the construction of such work is one-half ( $\frac{1}{2}$ ) years.

9. Time required for the complete application of the water to the proposed use is no additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

THE CORPORATION OF GONZAGA UNIVERSITY, Spokane, Washington. Applicant.  
By John H. Heander, S.J. Agent.

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Date of first receipt at office of State Engineer 9.00 A. M. June 22, 1914.

Returned to applicant for correction June 23, 1914.

Corrected application received July 20, 1914.

#### APPROVAL OF STATE ENGINEER

The number of this permit is 10463

Recorded in Book 35 Page 10463 Approved August 8, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before October 7, 1914 and to continue diligently and uninterruptedly

to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 8, 1914.

The whole of said work to be completed on or before February 8, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 8, 1915.

Witness my hand this 8th day of August, 1914.

F. P. King,

State Engineer.

Remarks. No. 1 Incorporated as "The Corporation of Gonzaga College" at Spokane, Washington, April 5, 1894; articles filed at Olympia, Washington, April 21, 1894. Amended and supplemental articles, changing name to "The Corporation of Gonzaga University, Spokane, Washington", adopted May 18, 1912, and filed at Olympia, Washington, June 5, 1912. Certified copy of articles filed with County Auditor of Kootenai County, Idaho, and on May 4, 1914, with the Secretary of State at Boise, Idaho.

No. 2. The point of diversion is on the South line of Lot 1, in Sec. 1, Twp. 52, N., R. 5 W.B.M., in Kootenai County, Idaho, 751 feet West of the South-east corner of said lot, at a point on the creek S. 34° 30' E. 350 feet, thence S. 48° E. 80 feet, from the mouth, where it flows into Upper Twin Lake.

No. 3 The water is taken directly from the creek by a six inch pipe extending 80 feet from the point of diversion along the course of the creek to a 1000 gallon storage tank, located S. 34° 30' E. 350 feet from the mouth of the creek, and distributed from the tank in 2 inch pipes for irrigation and domestic purposes. The over-flow runs directly from the tank back into the creek.

Recorded by  
Checked by

SCANNED  
AUG 10 2017 9



Proof of completion of works made November 3, 1914.

Certificate of completion issued January 9, 1915.

Permit No. 10463

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that the Corporation of Gonzaga University, of Spokane, County of Spokane and State of Washington, the holder of Permit No. 10463, issued upon Application No. 15353, bearing date of priority of June 22, 1914, authorizing the diversion of  $\frac{1}{2}$  of 1 second foot of the waters of an unnamed creek, County of Kootenai, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use  $\frac{1}{2}$  of 1 second foot of the waters of an unnamed creek; that the point of diversion of said waters is at a point on the south line of Lot 1, Sec. 1, T. 52 N., R. 5 W.B.M., approximately 751 feet west of the southeast corner of said lot. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 1 and 2, Sec. 1, T. 52 N., R. 5 W.B.M., containing 36.90 acres.

Witness my hand this 9th day of January, A. D. 1915.

Herbert Wing,

Acting State Engineer of the State of Idaho.

License issued for  $\frac{1}{2}$  second foot

Page 1788

SCANNED

AUG 10 2017 10.



# Gonzaga University

Spokane, Wash.



W. 0° - 718 ft.

S. 10° W. - 504 ft.

The 98 ft. pipe from point of deviation to tank is 6" diam, all other pipes are 2" diam.

S 8° 30' E  
175 ft.

S. 50° W.  
112 ft.

S 21° W.  
220 ft.

S 53° 30' W.  
80 ft.  
Creek

22 ft.  
35 ft.  
53 ft.

78 ft.  
85 ft.  
17 ft.  
21 ft.  
38 ft.

102 ft.

184 ft.  
S 34° 30' E  
350 ft.

205 ft. (2")

Tank 1000 gal.  
98 ft. (6")  
S 14° W.  
80 ft.

E - 569 ft.

E. - 751 ft.

N. - 1329 ft.

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10463  
AUG 10 2017



MOUNT ST. MICHAEL'S  
SPOKANE 28, WASHINGTON

RECEIVED  
MAR 12 1958  
Department of Reclamation

State Hydraulics Engineer,  
State Capitol Building,  
Boise, Idaho.

Dear Sir:

The number of people establishing summer homes on the Idaho lakes grows apace. This fact has been impressed upon us rather dramatically by the requests we receive to permit others to share the water of the stream that flows through our property on Upper Twin Lakes, Kootenai County, Rathdrum, Idaho. Our water rights were "granted and confirmed" to The Corporation of Gonzaga University, Spokane, Washington, by your predecessor on March 15, 1915. The above institution long since came into ownership of the property and water rights.

Though we have no positive reason to suspect that our water rights are not in good order, the lapse of so many years inspires a wish for assurance that it is so.

Specifically, we are making the following assumptions, namely, first, that the original water rights assured to us "in perpetuity," are secure, and secondly, that riparian rights of property owners above us on the stream are not prejudicial to our rights which grant us the specified minimum of " $\frac{1}{2}$  of 1 cubic foot of water per second."

We would be very gratified if you could let us know if our assumptions in the matter are correct. I thought of making a trip to Boise, a considerable distance from my home base, but our attorney stated that it would not be necessary to do so.

I include a transcript of information from our papers.

Very sincerely,

*Dr. H. R. Gaffney, S. E.*

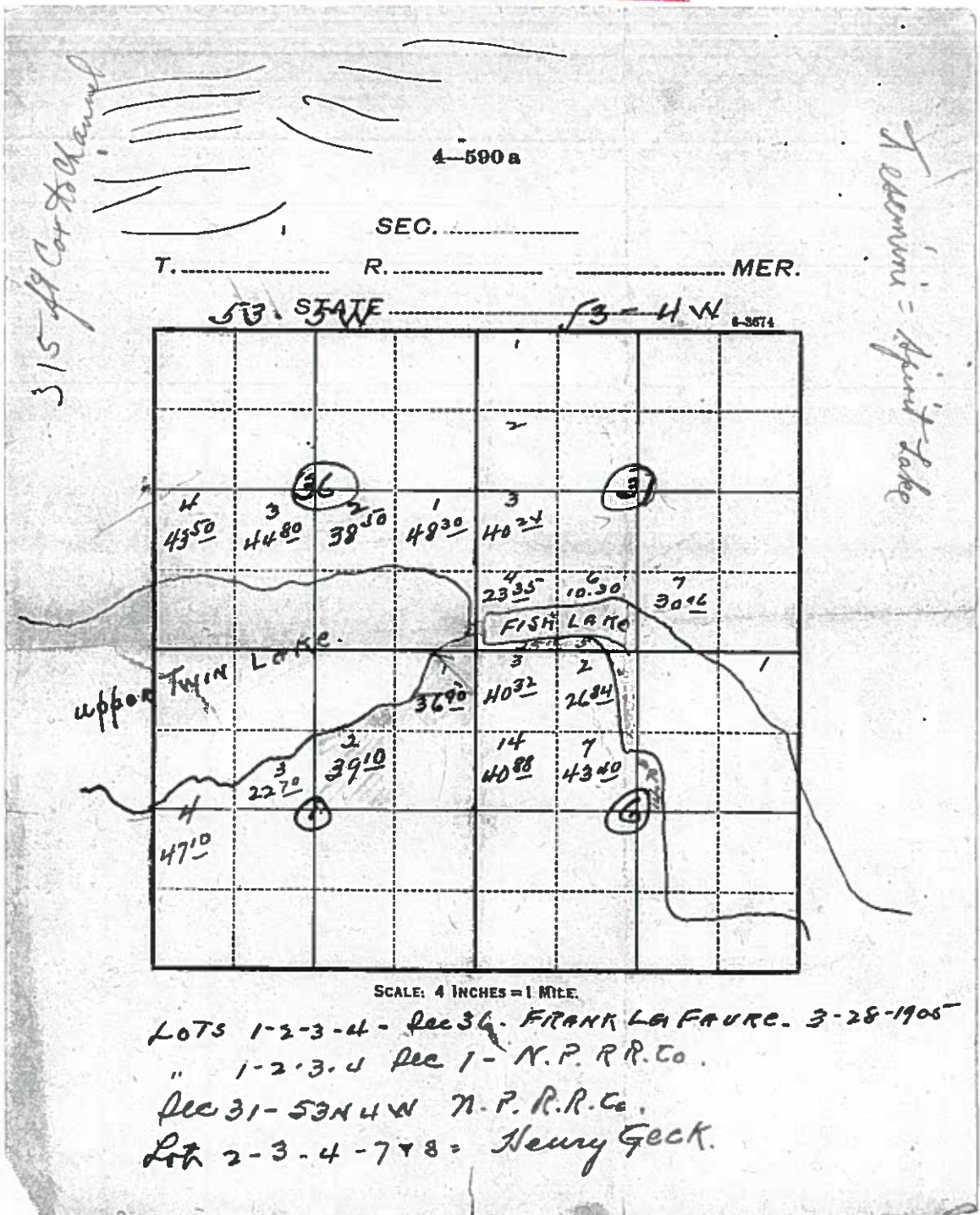
10463

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12.



NEGATIVE NUMBER: Procurement Colln #182



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 AUG 10 2017

# OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That The Pioneer Educational Society, a corporation in the State of Washington, hereby certifies that it is the owner of the land lying within the boundaries of this plat, and it has caused the said land to be laid off and plotted into lots and blocks known as PIONEER PARK ADDITION, said land being:

Part of Lots 1 and 2 in Section 1 Township 52 North, Range 5 West of Base Meridian in Kootenai County in the State of Idaho, described as;

Beginning at the northeast corner of said Section 1; thence along the north line thereof, West 525.40 feet to the True Point of Beginning of this description, thence continuing along said line, West 173.29 feet to the southeasterly shore line of Upper Twin Lakes; thence southeasterly along said shore line the following thirteen courses and their respective distances: (1) S 89°14'15" W, 453.63 feet; (2) S 7°07'15" E, 221.50 feet; (3) S 41°37'15" W, 241.72 feet; (4) S 47°19'15" W, 154.28 feet; (5) N 86°03'15" W, 141.00 feet; (6) N 77°40'15" W, 114.50 feet; (7) N 83°14'15" W, 103.43 feet; (8) S 76°37'15" W, 114.20 feet; (9) S 64°50'15" W, 89.35 feet; (10) S 47°03'15" W, 78.75 feet; (11) S 17°37'15" W, 173.16 feet; (12) S 46°17'15" W, 78.41 feet; and (13) S 63°48'15" W, 21.55 feet; thence S 9°17'15" E, 170.00 feet; thence N 89°48'15" E, 83.42 feet; thence N 46°17'15" E, 105.68 feet; thence N 17°37'15" E, 78.24 feet; thence N 43°03'15" E, 72.40 feet; thence N 34°52'15" E, 39.17 feet; thence N 76°37'15" E, 34.36 feet; thence S 69°14'15" E, 95.04 feet; thence S 79°40'15" E, 118.70 feet; thence S 66°03'15" E, 221.08 feet; thence N 47°19'15" E, 279.04 feet; thence N 47°23'15" E, 54.14 feet; thence N 41°37'15" E, 238.29 feet; thence N 37°07'15" W, 276.61 feet; thence N 12°02'15" E, 452.93 feet to the True Point of Beginning.

Each lot in this plat shall include all of the land lying between the side lines thereof extended Northwesterly or Northwesterly to the southeasterly shore line of Upper Twin Lakes. The Private Road shown hereon is hereby reserved for the private use of the owners of the lots in this plat as an access road to said lake.

IN WITNESS WHEREOF the said corporation has caused its corporate name to be subscribed hereto and its corporate seal to be affixed this 5th day of October 1961.

PIONEER EDUCATIONAL SOCIETY

By *Robert K. McDaniel, Jr.* President

By *Henry J. Schellinger, Jr.* Secretary/Treasurer

## ACKNOWLEDGMENT

STATE OF WASHINGTON  
COUNTY OF SPOKANE

On this 5th day of October 1961, before me a Notary Public in and for the above named County and State, personally appeared Alexander F. McDonald, Jr. and Henry J. Schellinger, Jr., known to me to be the President and Secretary-Treasurer respectively of The Pioneer Educational Society, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on each said stated that he was authorized to execute the said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

*Richard J. Jones*  
Notary Public in & for the State of Washington  
Residing at Spokane

Scale: 1"=100'  
Set Iron Angle Lat Corners

BOUNDARY	DISTANCE	TRAVERSE			
		NORTH	SOUTH	EAST	WEST
WEST	173.29				173.29
S 89°14'15" W	453.63		449.89		87.73
S 7°07'15" E	221.50		226.59	28.92	
S 41°37'15" W	241.72		181.46		161.28
S 47°19'15" W	154.28		107.31		116.60
N 86°03'15" W	141.00	9.71			140.68
N 77°40'15" W	114.50	36.21			113.96
N 83°14'15" W	103.43	18.46			138.40
S 76°37'15" W	114.20		26.43		111.10
S 64°50'15" W	89.35		91.41		79.86
S 47°03'15" W	78.75		97.19		93.40
S 17°37'15" W	173.16		165.93		92.43
S 46°17'15" W	78.41		54.10		56.66
S 9°17'15" E	170.00		170.00		21.89
S 46°17'15" E	105.68	0.34		85.42	
N 46°17'15" E	105.68	131.87		137.11	
N 17°37'15" E	78.24	169.87		33.97	
N 43°03'15" E	72.40	16.97		13.29	
N 34°52'15" E	39.17	22.34		32.84	
N 76°37'15" E	34.36	11.89		48.97	
S 69°14'15" E	95.04		11.10	54.13	
S 79°40'15" E	118.70		33.97	113.91	
S 66°03'15" E	221.08		13.10	220.56	
N 47°19'15" E	279.04	189.10		204.13	
N 47°23'15" E	54.14	36.66		33.64	
N 41°37'15" E	238.29	178.89		158.90	
N 37°07'15" W	276.61		275.62		24.71
N 12°02'15" E	452.93	454.19		89.71	
<b>Totals</b>		<b>1944.76</b>	<b>544.59</b>	<b>932.17</b>	<b>932.14</b>

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UPPER TWIN LAKES

GOVT. LOT 1

GOVT. LOT 2

SE 1/4 NE 1/4

## SURVEYOR'S CERTIFICATE

I hereby certify that the herein plat of PIONEER PARK ADDITION as described in the Owner's Certificate heron and the notes and bearings described contained in said certificate are correct, that the survey and map for the said plat was completed on August 25, 1961, and that all lot corners and markers shown hereon have been established on the ground, and that the map is a true and accurate record of the survey and field work performed by me or under my direction. Dated August 25, 1961.

*Philip L. Sargent*  
PHILIP L. SARGENT - Registered Land Surveyor No. 712



## COUNTY SURVEYOR'S CERTIFICATE

I hereby certify that the plat of PIONEER PARK ADDITION is accurate within the boundaries set forth in Sec. 50 Paragraph 2502 of the Idaho Code and the same is approved for filing. Dated this 18th day of October 1961.

*Robert H. McDaniel*  
County Surveyor of Kootenai County Idaho

## COUNTY COMMISSIONERS APPROVAL

Accepted and approved by the Board of County Commissioners of Kootenai County Idaho this 18th day of October 1961.

*Robert H. McDaniel*  
Chairman of the Board of County Commissioners

## COUNTY TREASURER'S CERTIFICATE

I hereby certify that the required taxes on the herein plotted land have been fully paid, this 18th day of October 1961.

*Robert H. McDaniel*  
County Treasurer of Kootenai County Idaho

## COUNTY AUDITOR

I hereby certify that the required filing fee on the herein plotted land have been paid and received for record on this 18th day of October 1961.

*Robert H. McDaniel*  
County Auditor of Kootenai County Idaho

FINAL PLAT  
PIONEER PARK ADDITION  
BEING A PART OF GOVERNMENT LOTS 1 & 2  
OF SECTION 1 T. 52 N. R. 5 W. B.M.  
KOOTENAI COUNTY IDAHO

Philip L. Sargent  
Registered Land Surveyor No. 712  
Spokane Washington  
August 25 1961

Scale: 1"=100'

SCANNED  
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Center of Section 1  
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