

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

Ident. Number 95-9454Date Received: 5/30/9Receipt No: N-020186 NO 20200Received By: IK

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

1. Name of Claimant(s) Eugene H. Vonderharr and Sheila H. Vonderharr Phone (208) 683-3666

Mailing Address 25150 N. Infinity Road Athol ID Zip 838015088
Street or Box City State

2. Date of Priority: (Only one per claim) July 31, 2003
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) springs
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 53N, Range 02W, Section 31,
SW 1/4 of NW 1/4, or Govt. Lot 2 BM. County of Kootenai;
Parcel (PIN) no. 53N02W313450

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. 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.

two (2) spring tanks, two-inch PVC line to storage pond

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For storage purposes from 1-1 to 12-31 amount .02 cfs (✓) or AFY ()

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .02 cfs (✓) or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) diversion to storage, recreation storage, fire protection storage,

stockwater storage, stockwater from storage

SCANNED
MAR 31 2009

9. Location of Place of Use is: Township 53N, Range 02W, Section 31

SW 1/4 of NW 1/4, Govt. Lot 2 BM. Parcel (PIN) no. Kootenai
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? Kootenai

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.

_____ or None (✓)

13. Remarks:

Attached documents: plat map, legal description, springs permit

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 96-09154 95-9454

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: three (3)

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)

Eugene H. Honderhan
Sheila H. Honderhan

Date:

3/30/09

Date:

3/30/09

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 _____

Last Name _____ Identification No. _____

SCANNED
MAR 31 2009



6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

KOOTENAI COUNTY
IDAHO

ARCHIVE REVISIONS

INITIALS	ACTIVITY	DATE
TH TH	CONVERSION GIS CONVERSION	05-08-98 11-12-03

IMAGE FILE: \NOT USED

DRAWING FILE: \532W31.DWG

00-00-00

NOTES:

All lots or parcels with given bearings and distances were calculated by traverse closure. All other parcels were calculated by the most accurate means possible with the given information (i.e. length multiplied by width, triangulation, planimeter, scaling from existing map, and coordinate geometry). Acreages shown are net assessable right-of-way, where applicable, has been removed. Distances and area lengths less than 50' may not be shown due to space limitations. Dimensions in parenthesis denote record and/or plotted lot line dimensions.

LOCATION OF ROADS SHOWN ARE BASED ON ADDRESSABLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC.

(3150)
8.437 Ac

GOVT
LOT 1
40.00 Ac

(3200)
74.831 Ac

Apprx.
5-acre
pasture

#15491
(3450)
20.000 Ac

GOVT
LOT 2
40.00 Ac

GOVT
LOT 3
40.00 Ac

#15491

EXHIBIT "A"

SECTION 31 - TOWNSHIP 53 NORTH
RANGE 2 WEST

A tract of land being a portion of the West 412.50 feet of Government Lots 1, 2, and 3, Section 31, Township 53 North, Range 2 West, Boise Meridian, Kootenai County, Idaho, and being described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 31; thence

Along the West line of Section 31 and the West line of Government Lot 1 South $00^{\circ}20'15''$ East, a distance of 812.61 feet to a set iron rod and cap marking the POINT OF BEGINNING; thence

Along a fenceline South $83^{\circ}08'01''$ East, a distance of 385.54 feet; thence

South $00^{\circ}20'15''$ East, a distance of 1762.75 feet; thence

South $03^{\circ}31'22''$ West, a distance of 492.98 feet; thence

North $89^{\circ}58'53''$ West, a distance of 382.48 feet to a point on the West line of Government Lot 3 and the West line of Section 31; thence

Along the West line of Government Lot 3 and the West line of Section 31 North $03^{\circ}31'38''$ East, a distance of 492.15 feet to the Northwest corner of Government Lot 3 being the West Quarter corner of Section 31; thence

Along the West line of Government Lots 2 and 1 and the West line of Section 31 North $00^{\circ}20'15''$ West, a distance of 1809.55 feet to the POINT OF BEGINNING.

Page 2

1268022

THENCE, along the West line of Section 31; North 03° 31' 38" East, a distance of 2129.99 feet;

THENCE, South 89° 58' 53" East, a distance of 382.48 feet;

THENCE, North 03° 31' 22" East, a distance of 492.98 feet;

THENCE, North 00° 20' 15" West, a distance of 1762.75 feet;

THENCE, North 83° 08' 01" West, a distance of 177.65 feet to the POINT OF BEGINNING and containing 22.44 acres of land, more or less.

715-9201
7/23/92
31-53N-2W
715-19201.LGL



#15490

1268022

EMPIRE
SURVEYING &
FORESTRY, INC.

#1490-WE

(208) 772-8581
P.O. Box 12
8886 Government Way, Suite H
Hayden Lake, Idaho 83835

REMAINDER

22.44 ACRES

A tract of land being a portion of Government Lots 1, 2 and 3, and 4 all in Section 31, Township 53 North, Range 2 West, Boise Meridian, Kootenai County, Idaho said tract being described by metes and bounds as follows:

COMMENCING at the Northwest corner of Section 31;

THENCE, along the West line of Section 31 and the West line of Government Lot 1, South $00^{\circ} 20' 15''$ East, a distance of 812.61 feet to a set iron rod and cap;

THENCE, along a fenceline, South $83^{\circ} 08' 01''$ East, a distance of 207.89 feet to a set iron rod and cap marking the POINT OF BEGINNING;

THENCE, North $00^{\circ} 20' 15''$ West, a distance of 167.20 feet to the centerline of Sage Creek;

THENCE, along the centerline of Sage Creek the following five (5) courses:

1. North $80^{\circ} 20' 30''$ East, a distance of 37.99 feet; thence
2. South $88^{\circ} 26' 13''$ East, a distance of 46.16 feet; thence
3. South $59^{\circ} 44' 37''$ East, a distance of 31.98 feet; thence
4. South $47^{\circ} 50' 54''$ East, a distance of 81.00 feet; thence
5. South $39^{\circ} 22' 15''$ East, a distance of 56.15 feet to the East line of the West 412.5 feet of Government Lot 1;

THENCE, along the East line of the West 412.5 feet of Government Lots 1 and 2, South $00^{\circ} 20' 15''$ East, a distance of 1843.26 feet to the South line of Government Lot 2;

THENCE, along the East line of the West 412.5 feet of Government Lots 3 and 4, South $03^{\circ} 31' 22''$ West, a distance of 2625.73 feet to the South line of Section 31;

THENCE, along the South line of Section 31, North $89^{\circ} 28' 57''$ West, a distance of 412.50 feet to the Southwest corner of Section 31.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 2, 2004

EUGENE H VONDERHARR
25150 N INFINITY RD
ATHOL ID 83801

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO 96-9154

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Northern** Regional Office of the department in Coeur d'Alene (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 96-09154

Priority: July 31, 2003

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 1.0 AF

This is to certify, that EUGENE H VONDERHARR
25150 N INFINITY RD
ATHOL ID 83801

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
RECREATION STORAGE	01/01 to 12/31		1.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.0 AF
STOCKWATER STORAGE	01/01 to 12/31		1.0 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS L2 (SW1/4NW1/4) Sec. 31, Twp 53N, Rge. 02W, B.M. KOOTENAI County

PLACE OF USE: RECREATION STORAGE, FIRE PROTECTION STORAGE
STOCKWATER STORAGE & STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 02W 31							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 01, 2004.
2. Subject to all prior water rights.
3. Recreational storage use is for aesthetics.
4. Stockwater use is for 6 mixed livestock.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of December, 2003.


KARL J DREHER, Director

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09454

Priority: July 31, 2003

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that EUGENE H VONDERHARR
25150 N INFINITY RD
ATHOL ID 83801 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 31, 2003; and has submitted
Proof of Beneficial Use on December 16, 2003. An examination indicates that the works have a diversion
capacity of 0.01 cfs of water from:

SOURCE

SPRINGS

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.01 CFS	
RECREATION STORAGE	01/01 to 12/31		0.6 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		0.6 AF
STOCKWATER STORAGE	01/01 to 12/31		0.6 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.01 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS L2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 31, Twp 53N, Rge 02W, B.M. KOOTENAI County

PLACE OF USE: RECREATION STORAGE, FIRE PROTECTION STORAGE, STOCKWATER
STORAGE and STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N 02W 31							X										
							L2										

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Recreational storage use is for aesthetics.
3. Stockwater use is for 6 mixed livestock.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 11th day of February, 2008.

David R. Tuthill, Jr.

DAVID R. TUTHILL, JR.
Director