

# 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 95-14203Date Received: 4-16-10Receipt No: N02409813Received By: cm

## 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

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IDWR/North

1. Name of Claimant(s) John L. Toedter Estate Phone ( 406-252-4259  
Robert Toedter, P.R.

Mailing Address 727 Starlight Dr. Billings MT Zip 59101  
Street or Box City State

2. Date of Priority (Only one per claim) Early 1900's  
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water (X) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. Location of Point of Diversion is: Township 49 N, Range 4 W, Section 8  
NW 1/4 of SE 1/4, or Govt. Lot \_\_\_\_\_ BM. County of Kootenai

Parcel (PIN) no. 49 N 04 W 08 - 8500

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.

see attached description

6. 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  
Month/Day Month/Day cfs( ) or AFY( )

For Stock Water purposes from 1-1 to 12-31 amount 0.02

7. Total Quantity claimed 0.06 cfs (X) or AFY ( )

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

Stockwater and Number of livestock) Domestic, 1 home; Stockwater, 20  
head cattle

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9. Location of Place of Use is Township 49N, Range 4W, Section 8,

NW 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_ BM. Parcel (PIN) no. \_\_\_\_\_

If different than shown in Item 4

for (Check One) Domestic ( ) Stock ( ) Domestic and Stock (X)

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 (X)

13. Remarks: I am the Personal Representative for the Estate of John L. Toedter.

14. Basis of Claim (Check One) Beneficial Use (X) 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 Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do ( ) do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: one

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) Robert J. Toedter Date: 4/13/10

\_\_\_\_\_  
Date: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
Title of \_\_\_\_\_ 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 Toedter Identification No. \_\_\_\_\_

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5. The water source for the farmstead utilizing this water was originally two springs tied together with a pipeline running down to the buildings. It was developed in the early 1900's. In the late 1980's this system was destroyed by the Idaho State Department of Highways, when they relocated Highway 95. The contractor for the Highway Department developed a new collection system adjacent to the new highway, which dumped the water into a cistern tied into a new pipeline carrying the water down to the farmstead. The collection system plugged up in 1999 necessitating the drilling of a well for the establishment of a permanent water source. The well is 427 feet deep and is located adjacent to the buildings.

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