

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

AMENDED

CIVIL CASE NUMBER: 49576

ID Number: 95-12500

Date Received: 3-28-17

Receipt No: N024317

Amount: By:

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

RECEIVED

MAR 28 2017

Please type or print clearly

IDWR / NORTH

- Name of claimant(s) Roger Stephen & Anne R Moler Living Trust Phone 208 664-3373
Mailing address 6065 E French Gulch RD, Coeur d'Alene, ID ZIP 83814
Street or Box City State
- Date of priority (only one (1) per claim) 8-2-51
Month/Day/Year (yyyy)
- Source of water supply (check one) Ground Water () or Other () (a) _____
which is tributary to (b) _____
- Location of point of diversion is: Township 50N, Range 3W, Section 9
SE 1/4 of NW 1/4, or Govt. Lot _____, B.M., County of Kootenai
Parcel (PIN) no. 50N03W094300
Additional points of diversion, if any: Another well in the same 40 acre tract
If available, GPS coordinates Well ID 276286 - 116.71341; 47.69605; Well ID 276059 - 116.71237; 47.69568
- 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.
Wells & Pumps
- 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 0.06 cfs () AFY ()
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.06 cfs () or AFY ()
- Non-irrigation uses; describe fully (e.g. Domestic: give number of households served if single ownership; Stockwater: type and number of livestock, etc.): 1 household

9. Location of place of use is: Township 50N, Range 3W, Section 9, SE 1/4 of NW 1/4,
or Govt. Lot _____, B.M., Parcel (PIN) no. (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 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:
Priority date based on aerial photo showing a home on the property.

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 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: 6

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
Trustee _____ of Roger Stephen & Anne R Moler Living Trust _____,
Title Organization

that I have signed the foregoing document in the space below as
Trustee _____ of Roger Stephen & Anne R Moler Living Trust _____,
Title Organization

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

Signature of authorized agent Roger Moler Date 3-28-17
Title and organization Trustee, Roger Stephen & Anne R Moler Living Trust

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 _____

Narrative of water use for Claim 95-12500

This parcel is part of a section of land that was conveyed to the Northern Pacific Railroad by the United States in the early 1900's. The land in this section was subsequently sold to a number of different people who farmed portions of it for many years. The exact date that domestic water use on this property began is unknown. An aerial photo taken on August 2, 1951 is earliest documented evidence we have of a home on the property now owned by the Moler Trust. The source of water for that home was apparently a well that still exists, but is currently unused.

Subdivision of the property into smaller tracts appears to have happened in the mid 1970's. The parcel owned by the Moler Trust has been owned by a number of parties prior to their purchase of it. Among them are John Clarke, Raymond Ricks and Lee & Barbara Tolley.

In December of 1972 John Clarke had a well, IDWR ID 276286, drilled. We can be pretty certain that this well is associated with this property because in 1975 a subsequent owner, Raymond Ricks, filed a statutory claim to a water right, 95-4319, using the "Construction Completed Date" for well 276286 as the priority date for the claim. Mr. Ricks had a second well, IDWR ID 276059, drilled on the property in 1977. In 2005 Lee & Barbara Tolley deepened one of the wells. IDWR records associate this deepening with the well drilled by Raymond Ricks. However, from the well driller reports it appears that the well which was deepened was actually the well drilled by John Clarke. The completed depth for the Clarke well is reported as 145 feet. The well drilled by Raymond Ricks has a completed depth of 200 feet. The 2005 deepening starts a reported depth of 140 feet.

Tolley's were apparently unaware of the statutory claim filed by Raymond Ricks, because the claim they filed in the NIA used the "Construction Completed Date" for the Raymond Ricks well as the priority date for their claim, 95-12500.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

[illegible]

WELL DRILLER'S REPORT ^N

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE COPY TO THE DEPARTMENT

8-2-51

64-41

Approximate Property
Boundary for Moler Trust

DOS-34A/63

9.6

20.7

47C

A

27.0

B

15.7

C

45C

57

3.3

B

3.1

D

E

F

G

4.0

6.9

8.9

95-12500 Amended

T50N R3W Sec 9, SE1/4 NW1/4

Well ID 276286

Well ID 276059

