

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: 95-17341

Date Received: 7-17-17

Receipt No: N032789

Amount: 103.00 By: cm

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 17 2017

IDWR/NORTHERN

Please type or print clearly

1. Name of claimant(s) Karl Gage et al Phone 805-610-6073
Mailing address 5715 Linne Road Paso Robles CA ZIP 93446
Street or Box City State
2. Date of priority (only one (1) per claim) 04/1949
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water () or Other (X) (a) Wolf Lodge Creek
which is tributary to (b) Coeur d'Alene Lake
4. a. Location of point of diversion is: Township 50N, Range 02W, Section 21,
NW 1/4 of SW 1/4, or Govt. Lot _____, B.M., County of Kootenai
Parcel (PIN) no. AIN 111868 (50N02W215825)
Additional points of diversion if any: 47 degrees 39'52.12"N, 116 degrees 36'31.08"W
If available, GPS coordinates: 47 degrees 39'52.12"N, 116 degrees 36'31.08"W
b. If instream flow, beginning point of claimed instream flow is: Township 50N, Range 02W,
Section 21, NW 1/4 of SW 1/4, or Govt. Lot _____, B.M., County of Kootenai
ending point is: Township 50N, Range 02W, Section 21, NW 1/4 of SW 1/4 or
Govt. Lot _____, B.M., County of Kootenai
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.
This claim is for irrigation rights established in approximately April, 1949 by Clarence Chartrand for the 2.6
acre parcel shown in attached map. This claim is in addition to claim #95-12845 which was made for domestic
use established in 1971 from groundwater via a well drilled in that year.

6. Water is claimed for the following purposes:

(both dates are inclusive mm-dd)

(cfs)

(acre-feet)

For irrigation purposes from 03/15 to 11/15 amount .07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .07 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): _____

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 (e.g. D for domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	02W	21							2.6										2.6

Parcel (PIN) no(s). see above

Total number of acres irrigated 2.6

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 (X) 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.

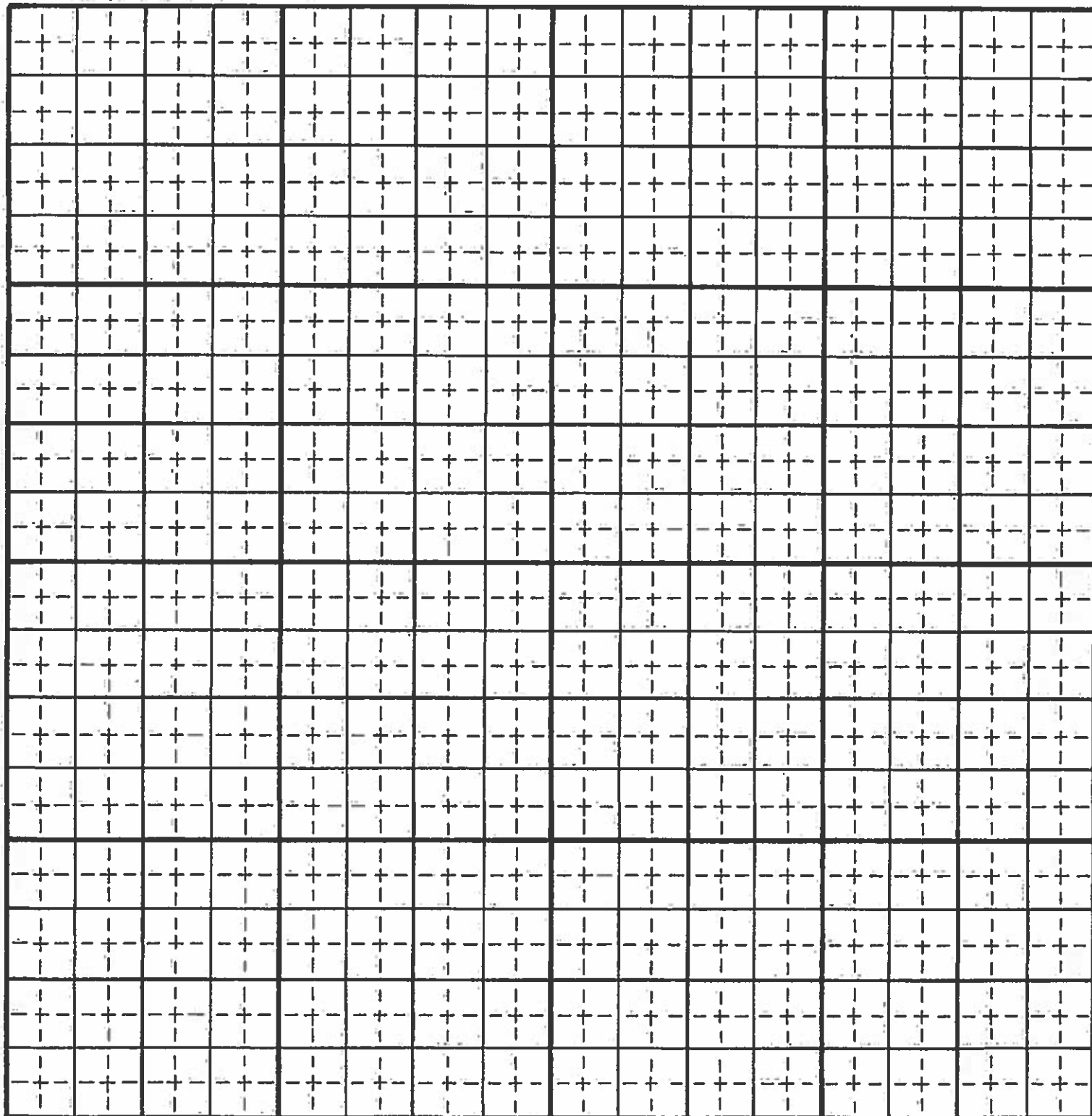
_____ or None ()

13. Remarks:

Last name Gage Identification no. _____

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



Last name Gage Identification no. _____

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 (X) do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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: 07-11-2017

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 _____

Last name Gage Identification no. _____

2533 S WOLF LODGE CLAIM



AFFIDAVIT #1

Regarding the establishment of domestic and irrigation surface water use at 2533 S. Wolf Lodge Creek (AIN#111868), I attest to direct personal knowledge dating from 1954 as to the existence of the domestic and surface water use from Wolf Lodge Creek. I began dating and later married Clarence Chartrand's daughter Carolyn, and spent time helping Mr. Chartrand build improvements to the cabin. I clearly recall discussing his installation of the surface water pump in Wolf Lodge Creek at the time he built the cabin in 1951.

Byron P. Gage 2/26/2017
Signed Byron P. Gage Date

AFFIDAVIT #2

Regarding the establishment of groundwater usage at 2533 S. Wolf Lodge Creek (AIN #111868), I attest to direct personal knowledge of the drilling of the well there in 1971 and the use of the groundwater from the well for domestic purposes.

Byron P. Gage 2/26/2017
Signed Byron P. Gage Date

July 11, 2017

Ms. Linda Werner
Water Resource Agent, Sr.
Idaho Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

RECEIVED
JUL 17 2017
IDWR/NORTHERN

Re: Claim #s 95-10158 and 95-12845

Dear Ms. Werner,

I am in receipt of your letter dated May 18, 2017 regarding the above referenced claims. I apologize for the long delay in getting back to you on this, but life once again intervened.

Regarding claim #95-12845, I have attached a change of ownership form, along with the warranty deed and a map showing the domestic well location as the department's preliminary recommendation was for a domestic claim.

Additionally, I have attached a new notice of claim for this same parcel for irrigation use (per your letter) with a map showing the original diversion location in the historic creekbed as well as the current location (which is on the adjacent parcel, owned by us and referenced in claim #95-10158). Our previous conversation covered that the submersible pump is used for irrigation on this parcel as well as the three parcels referenced in claim #95-10158). I have also attached the affidavits signed by Byron Gage attesting to his personal knowledge of the original diversion from Wolf Lodge Creek, which was for irrigation purposes from 1949 to present, as well as for domestic purposes from 1951 until 1971, when the groundwater well was drilled. I have attached a check for \$103.00 for this new claim.

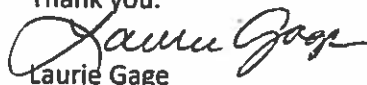
Regarding claim #95-10158, it looks to me like the preliminary recommendation on this claim is for irrigation use, so I have attached a new claim for domestic water rights along with a map showing the groundwater well location, originally drilled in 1989. I have attached a check for \$100.00 for this new claim.

I am a little uncertain though about the preliminary recommendation on claim #95-10158 as the explanatory notes indicate "No beneficial use found." Does this mean that the irrigation claim has been denied? Do I need to provide some additional material or documents of some kind? Another affidavit from Byron Gage attesting to his ongoing use of the submersible pump to irrigate the 3 parcels/15 acres from 1970 to 2016 when title was transferred to us? He continues to irrigate the 15 acres currently for us in our absence. Let me know what I should do to ensure that our claim for that irrigation usage is acceptable.

Thank you for your patience in this matter as I work my way through the complexities of the paperwork. I'm hoping this will take care of things and clarify that we have a total of four claims: 95-10158 for irrigation, a new claim to accompany 95-10158 but for domestic purposes, 95-12845 for domestic and a new claim to accompany 95-12845 but for irrigation purposes.

I look forward to hearing from you.

Thank you.


Laurie Gage

805-610-6073
5715 Linne Road
Paso Robles, CA 93446