

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Paul Pihlstrom &/or Richard Evans &/or Bill Spooner
of Post Falls, Idaho, has complied with the terms and conditions of Permit
No. 95-8143 issued pursuant to Application for Permit dated December 1, 1981,
and has submitted proof to the Department of Water Resources on December 1, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.12 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Subject, however, to the condition that no more than 0.12 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 3.6 acre feet per year, said waters to be diverted within the NE 1/4, Section 11, Twp. 50N., Rge. 6W in the County of Kootenai

[illegible]

Total number of acres irrigated _____

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of June, 1982.

Director

Knoblock, Ken

From: Fritschle, Carter
Sent: Tuesday, October 30, 2012 11:52 AM
To: Knoblock, Ken
Subject: RE: Splits of "Unclaimed" Water Right 95-8143

Good point, but Nancy Spooner also signed the well agreement, and she is listed as the tax lot owner of the parcel in which claim 95-13377 covers. I was thinking she might be the one to contact to get the history of the water use from the well.

From: Knoblock, Ken
Sent: Tuesday, October 30, 2012 12:29 PM
To: Fritschle, Carter
Subject: RE: Splits of "Unclaimed" Water Right 95-8143

I would like to point out that the signer of the well agreement was D W Spooner, Bill, and the claim, 95-13377, was filed by James Spooner.

From: Fritschle, Carter
Sent: Tuesday, October 30, 2012 8:19 AM
To: Knoblock, Ken
Cc: Goodwin, Chad; Maxey, Shaun; Bromley, Chris
Subject: RE: Splits of "Unclaimed" Water Right 95-8143

Hi Ken,

It sure looks like you have correctly identified the original four lots on the application for permit 95-8143. And, in comparing the map attached to the application for permit with the map from the field exam, it definitely looks like the parcel that Ballew currently owns is the one that got left off the license.

Also, in reading through the field exam, I cannot figure out why Paul Pihlstrom told IDWR's examiner to issue the license for only three of the four homes on the system. The temporary trailer on the Central Pre-Mix parcel was getting water from the well through the Evans parcel. Perhaps it was because the maximum diversion rate was quite emphatically estimated to be 55 gallons per minute, and Tom King's comment about adding more homes to the system warranted two exclamation points.

However, with the 10,000 gallon storage tank, it does seem reasonable that four homes could easily have been supplied with water at 0.12 cfs. Perhaps it was Tom's note that Spooner had tried to irrigate with 11 sprinklers at 5 gpm per sprinkler, and that the well could not keep up. And, that is probably the reason the well agreement specifically excludes the use of the well for irrigation, except for yards and gardens immediately around the houses.

So, to summarize what we have so far:

Spooner was an original signer of the 1982 well agreement, and has filed CSRBA claim 95-13377 for 0.06 cfs.

Wilson is possibly the successor to Evans, and has filed CSRBA claim 95-14757 for 0.04 cfs. Interestingly enough, the tax lot in which the well is located is owned by Wilson, even though it is some distance from his property, and is surrounded by Spooner's property.

Ballew is the likely successor to Central Pre-Mix, and has filed claim 95-14792 for 0.06 cfs.

Aparicio is the likely successor to Pihlstrom, and has filed claim 95-11284 for 0.04 cfs, and a new POD moving it to the parcel in which the water is used. However, there is no well record showing when that change took place. The only well record we have for the NWSW (Lot 3) is the well for Frank Smith, and he has filed claim 95-14452 with a 2001 priority date.

While none of the signatures on the well agreement are notarized, I think we will need to treat the well agreement as binding on all parties and their successors. Also, since we cannot establish the date of change of the Aparicio POD for claim 95-11284, I believe contacting the claimants and finding out the history of the water system would be appropriate.

And while we can possibly recognize beneficial use rights with earlier priority dates, those priority dates will need to be documented. Also, any rights established with priority dates earlier than the license will still need to carry any limitations imposed by the license. Both Spooner and Ballew have claimed more water than their share of what they are entitled to according to the well agreement which specifically references license 95-8143.

Carter

From: Knoblock, Ken
Sent: Monday, October 29, 2012 4:11 PM
To: Fritschle, Carter
Cc: Goodwin, Chad; Maxey, Shaun
Subject: RE: Splits of "Unclaimed" Water Right 95-8143

This is my take on this situation. Three people had built their homes at various times (1977, 1979 and 1978 or 1975). Each had a very low producing well. They got together and decided to drill a better well so they could have more water. Since it is for three homes they have to get a water right permit to drill and they list 3 homes on the application. It is drilled and a water agreement is made. Somehow Central Pre-mix gets involved, possibly, because the property is worth more if water is available and they kick in money for the well.

The examination is made and the license is issued for three homes. In the examination, it is mention not to include Central Pre-Mix because they only have a temporary trailer on the property. They would have to file another application for the 4th home and didn't want to. The homes appear now to be owned by Aparicio, Wilson and Spooner. It seems Ballew owns the Central Pre-Mix property.

At the time for submitting claims they choose to file claims based on the date water was first used on the properties.

Aparicio - 1/11/1976
Wilson - 12/31/1979
Spooner - 12/31/1975
Ballew - 12/31/1982

Subject: Splits of "Unclaimed" Water Right 95-8143

Hi Ken, Chad and Shaun,

This is just a heads up. I am searching for the unclaimed rights in Basin 95, and came across 95-8143 for 3 homes. In looking at what had been claimed in the area of the POU, I found there were three beneficial use rights that covered the 3 homes, and they even claimed the original well for their POD. I built the pedigree shown below, and it looks like 95-

13377 and 95-14792 will need to have their total diversion rates limited to 0.04 cfs in the recommendations for those rights. All 3 rights will also need a volume limit of 1.2 AFA each.

Note: It looks like the house owned by Adrienne Aparicio may have been one of the original three homes. I cannot tell that for sure, but the priority would indicate it was. She has claimed a beneficial use right from a well on her property. So it is possible that the Aparicio claim, 95-11284, is really the third split, and has an accomplished change in POD, and 95-14792 is a pure beneficial use right. I will let you guys figure that one out, and update the pedigree as necessary. In any case, the 3 rights using the common well cannot have a combined total diversion rate of 0.12 cfs.

Carter

95-8143	Parent	GROUND WATER	DOMESTIC	EVANS, RICHARD; PIHLSTROM, PAUL; SPOONER, BILL	12/1/1981
95-13377	Active	GROUND WATER	DOMESTIC, STOCKWATER	SPOONER, JAMES W	12/31/197
95-14757	Active	GROUND WATER	DOMESTIC, STOCKWATER	WILSON, BARNES SCOTT; WILSON, LORI ANN	12/31/197
95-14792	Active	GROUND WATER	DOMESTIC, STOCKWATER	BALLEW, ERIC A.; BALLEW, HILARY	12/31/198

*Priority date based on well agree-
ment & license*