

upper Spring

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 95-15066
Date Received: 4-6-11
Receipt No: N026882B
Received 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

1. Name of Claimant(s) John H. OR Kathy A. Kolar Phone (208) 686-1366

Mailing Address 467 Bodwell Rd. Plummer IDAHO Zip 83851
Street or Box City State

2. Date of Priority: (Only one per claim) 1938
Month/Day/Year (YYYY)

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

4. Location of Point of Diversion is: Township 46N, Range 05W, Section 11,
SE 1/4 of SW 1/4, or Govt. Lot _____ BM. County of Beneviah;
Parcel (PIN) no. RP46N05W114800A

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.

Spring, concrete box 4' diam. x 4' deep Feeding in combo with concrete
Box 6'x6'x6' Deep Feeding into 6'x6'x6' Deep Holding Tank - Then to Residence thru 3" pipe

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 0.02 cfs () or AFY ()
For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 cfs () or AFY ()

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

Stockwater and Number of livestock) Domestic - 1 Household

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9. Location of Place of Use is: Township 46N, Range 05W, Section 11,
SW 1/4 of SE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. RP46N05W118900A
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? BENUEWAH

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.

Well in RP46N05W118900A or None ()

13. Remarks: PARAGRAPH 12 - I AM APPLYING FOR A WATER RIGHT. PARAGRAPH 2 - TO THE BEST OF MY KNOWLEDGE A HOME TO ACCOMMODATE A FAMILY WAS CONSTRUCTED AND THE NEED FOR MORE WATER THAN WAS AVAILABLE FROM THE SPRING IN T46N05W11 SW 1/4 SE 1/4 PROMPTED DIVERSION OF SPRING INTO T46N05W11 SE 1/4 SW 1/4 - CIRCA 1938

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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 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) John A. Kolar Date: 4-4-11

Kathy A. Kolar Date: 4-4-11

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. _____

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A tract of land in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eleven (11), Township 46 North, Range 5 West, more particularly described as follows:

Commencing at the South quarter-corner on the section line between said Section Eleven (11) and Section Fourteen (14) in said Township and Range, thence West along said section line a distance of fifty (50) feet to the true point of beginning; thence North a distance of four hundred (400) feet; thence East a distance of five hundred (500) feet; thence South a distance of four hundred (400) feet, more or less, to the said section line; thence West along said section line a distance of five hundred (500) feet to the point of beginning.

Together with an easement for right-of-way of the existing pipeline in the Southwest Quarter of the Southeast Quarter and Southeast Quarter of the Southwest Quarter of said Section 11, which pipeline connects a spring located in the Southeast Quarter of the Southwest Quarter of said Section 11 at a point which is 470 feet due east of the line which divides the Southeast Quarter of the Southwest Quarter of said Section 11 from the Southwest Quarter of the Southwest Quarter of said Section 11, and is 450 feet due south of line which divides the Southeast Quarter of the Southwest Quarter of said Section 11 from the Northeast Quarter of the Southwest Quarter of said Section 11; and which pipeline lies generally parallel to the right-of-way of the old Plummer-Fairfield road and on the northerly and easterly side thereof for a distance of approximately 1200 feet, more or less; and which pipeline intersects the north boundary of the above-described tract at a point which is 98 feet west of the northeast corner of said tract.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by, delivered to, and retained by the Government.

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SPRING Head
RP 46N05W11 4800A

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use RP 46N05W11 8900A

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O SPRING

■ Holding TANK

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well Spring

● well Head

USE 46N05W11 8900A
RP

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NOV-08-2017