

04/09/2018

RECEIVED

MAR 30 2018

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 30, 2018

Water right number: 95-15756

PHILIP L DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814
Telephone Number: (208) 660-3173

LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814
Telephone Number: (208) 660-3173

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-28-18 SIGNATURE: Philip L. Damiano
Please print your name: Philip L. Damiano

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

1 } This is our well to the House
2 } and 10-15 acres in proximity to the (Irrigation)
3 } house. Also, outbuildings. What
about Guest House

04/09/2018

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-15756

NAME AND ADDRESS: PHILIP L DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814

LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under Right Nos. 95-15756 and 95-15762 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/25/1991

POINT OF DIVERSION: T50N R03W S10 SWSE Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in KOOTENAI County
T50N R03W S10 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. 50N03W109200

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 95-15756
Date Received: 6/3/0
Receipt No: 10247810
Received By: 16c

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) Earl Glunceford and Judith A. Glunceford Living Trust Phone (208) 667-0100

Mailing Address P.O. Box 2350 Coeur d'Alene, ID Zip 83816
Street or Box City State

2. Date of Priority: (Only one per claim) 4/25/1991
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 50 N, Range 3 W, Section 10,
SW 1/4 of SE 1/4, or Govt. Lot - BM. County of Kootenai;
Parcel (PIN) no. 50N03W109200 (tax no. 118067) (legal description attached)

Additional points of diversion if any: N/A

If available, GPS coordinates: N/A

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.

Well drilled 4/25/91 per attached Well Drillers Report. Provides
domestic use and irrigation to approx 15 acres in proximity to
house (as shown on attached photo).

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For domestic purposes purposes from 1/1 to 12/31 amount .04 cfs (X) or AFY ()

For ancillary irrigation as described purposes from 4/1 to 10/15 amount "
surrounding acres

7. Total Quantity claimed .04 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) One domestic residence and uses
associated with 15 surrounding acres that are in landscape or
hay production.

9. Location of Place of Use is: Township 50 N, Range 3W, Section 10,
SW 1/4 of SE 1/4, Govt. Lot BM. Parcel (PIN) no. 50N03W109200
If different than shown in Item 4
for (Check One) Domestic (X) Stock () Domestic and Stock ()

Additional places of use, if any None.

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 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.

Please see attached narrative responses. or None ()

13. Remarks:

N/A

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: Five (5)

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 F. Magnuson Date: 6/3/10
Attorney-in-Fact 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, John F. Magnuson, 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 John F. Magnuson

Address P.O. Box 2350 Coeur d'Alene

Date 6/3/10

Last Name Magnuson ISBA No: 4270
Identification No.

EARL G. LUNCEFORD AND JUDITH A. LUNCEFORD
LIVING TRUST
"NOTICE OF CLAIM TO A WATER RIGHT"

ADDENDA

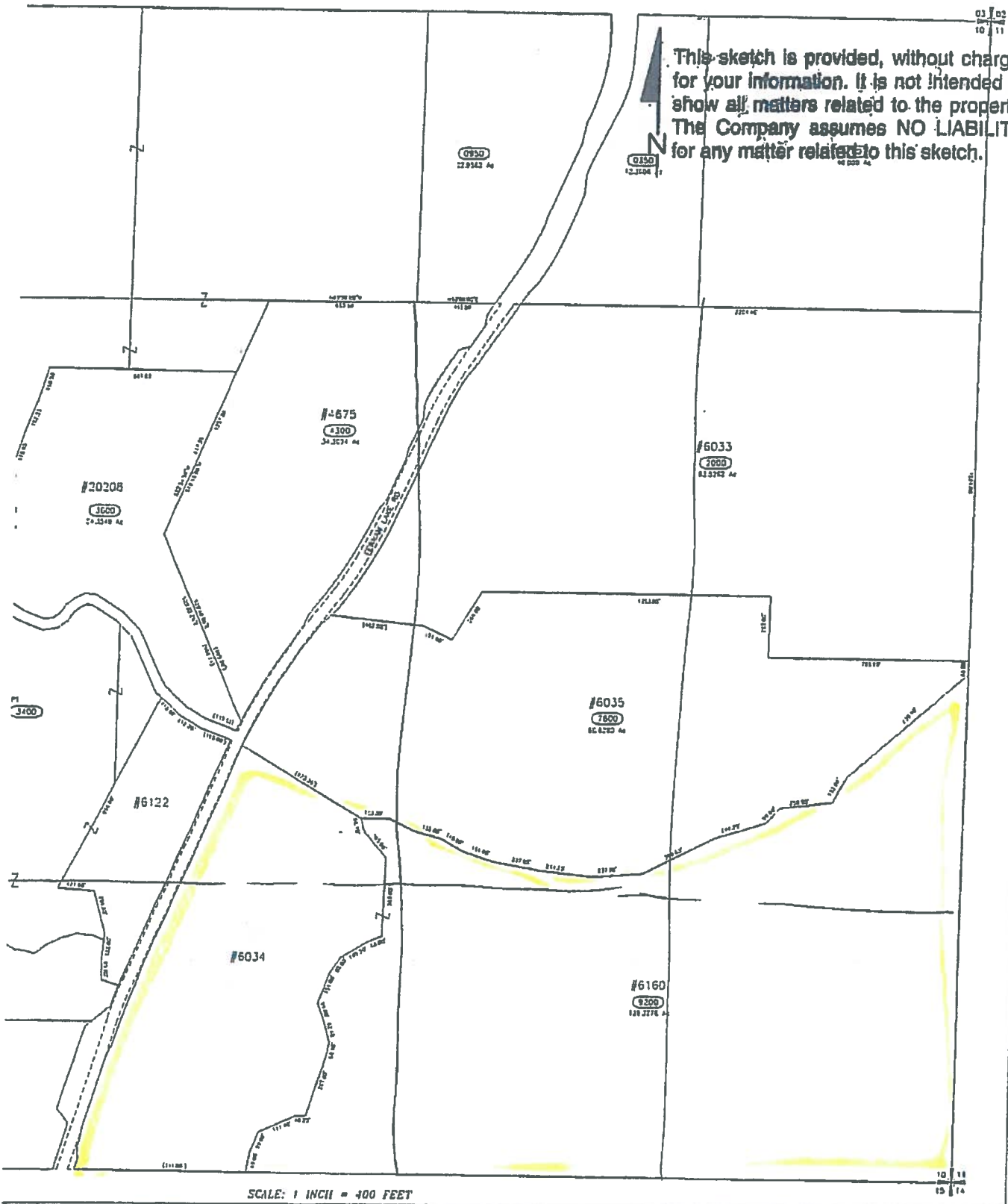
<u>NUMBER</u>	<u>DESCRIPTION</u>
A	Narrative response to question 12
B	Tax map
C	Aerial photograph
D	Legal description
E	Well Driller's Report

**EARL G. LUNCEFORD AND JUDITH A. LUNCEFORD
LIVING TRUST
“NOTICE OF CLAIM TO A WATER RIGHT”**

ADDENDUM A: RESPONSE TO QUESTION 12

Question 12 asks to describe any other water rights used at the same place and for the same purposes as described above. As set forth in response to Question 5, the well drilled is used to service one domestic house and related outbuildings. It is also used to irrigate 15+/- acres in proximity to the home, which are in landscaping and/or hay production. The area of use is as shown in yellow on the aerial photograph attached hereto as Exhibit C (which is consistent with the aerial photograph shown on Exhibit B). There is also on the same property a ground spring with a storage reservoir of 5,000 gallons (a holding tank), with related collection equipment that funnels spring into the tank. This is used for irrigation for the same acreage and for livestock (historically between eight to fifty horses and previously up to 75 head of stock. This use has been in place through the applicant's predecessor-in-title (the applicant's father) for approximately 80 years continuously. a separate application for this right is submitted herewith. In addition, there are three other claimed rights (stock water (two ponds), an artesian well, and a previously issued license (Water Right No. 95-7016), all of which are on the western "half" of the subject property and which are described more fully in the separate applications filed herewith for each such right.

This sketch is provided, without charge, for your information. It is not intended to show all matters related to the property. The Company assumes NO LIABILITY for any matter related to this sketch.





1638570

When recorded, return to:

A Attorney Daniel B. DeRuyter
Douglas, Eden, Phillips & DeRuyter, P.S.
422 West Riverside Avenue, Suite 909
Spokane, Washington 99201-0307

STATE OF IDAHO
COUNTY OF KOOTENAI } ss

AT THE REQUEST OF

Daniel B. DeRuyter

JUN 15 10 16 AM '00

DANIEL J. ENGLISH

DEPUTY

FEES

DM
15.00

QUIT CLAIM DEED

THE GRANTORS, EARL G. LUNCEFORD and JUDITH A. LUNCEFORD
husband and wife, for and in consideration of transfer to living trust, convey and quit
claim to EARL G. LUNCEFORD and JUDITH A. LUNCEFORD, Co-Trustees of the
Earl G. Lunceford and Judith A. Lunceford Living Trust dated the 30 day of
May, 2000, the following described real estate, situated in the County of
Kootenai, State of Idaho, including any interest therein which grantor may
hereafter acquire:

See Exhibit "A" attached and by this reference made a part hereof.

DATED this 30 day of May, 2000.*EL*

EARL G. LUNCEFORD*Judith A. Lunceford*

JUDITH A. LUNCEFORD

R0525SBA

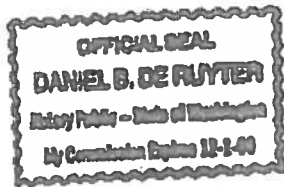
EXHIBIT D

1638570

STATE OF Wash.)
County of Spokane) ss.

On this 30th day of May, 2000, before me personally appeared EARL G. LUNCEFORD and JUDITH A. LUNCEFORD, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged that they signed and sealed the same as their own free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.




Notary Public in and for the State
of Washington, residing at Spokane
My commission expires: 12-1-00

1638570

Exhibit "A"

FERNAN LAKE ROAD - PARCEL I

A portion of the South half of Section 10, Township 50 North, Range 3 W.B.M., Kootenai County, Idaho, more specifically described as follows:

Beginning at the Southeast corner of Section 10, Township 50 North, Range 3 W.B.M., Kootenai County, Idaho; thence

North along the East line of said Section 10, 34 chains, more or less, to a point which is the Southeast corner of the Jennifer Gookstetter parcel; thence

Along the South line of the said Jennifer Gookstetter parcel as follows:

South 41° West 9.4 chains; South 29 1/2° West 2.0 chains; South 83° West 3.8 chains; South 44° West, 1.5 chains; South 73° West, 3.7 chains; South 63° West, 5.6 chains; South 85° West, 3.6 chains; North 84° West, 3.7 chains; North 80 1/2° West, 3.6 chains; North 72° West, 2.3 chains; North 62° West, 1.8 chains; North 76° West, 2.0 chains; North 64° West, 1.9 chains; West 2.0 chains to a point which is the Northeast corner of the Archie Gookstetter parcel; thence

Along the East line of the said Archie Gookstetter parcel as follows:

South 13 1/2° West, 0.85 chains; South 40° East, 2.5 chains; South 1 1/2° West, 5.5 chains; South 67° West 1.0 chains; South 59° West, 2.2 chains; South 34° West, 1.3 chains; South 20 1/2° West, 2.3 chains; South 20 1/2° East, 1.5 chains; South 16° East, 1.4 chains; South 11° West, 0.9 chains; South 17 1/2° West, 4.5 chains; West, 0.7 chains; South 68° West, 2.9 chains; South 23° West, 1.5 chains thence South 10° West, 1.5 chains to a point on the South line of said Section 10; thence

Easterly along the South line of said Section 10 to the Point of beginning.

EXCEPT from that portion of said land lying within the Southeast quarter all mines, minerals, mineral products, oils, gases, ores, coal, pottery clay, and all other similar and like products of every kind and character, now known to exist or which shall hereafter be ascertained to exist upon, within or under said premises, together with the right of full and free access to said premises at any and all times forever hereafter, for itself and its agents and employees, for the purpose of searching for, exploring, developing, working, mining and removing the same from said premises, and for all operations connected with and relating thereto to the extent desired by said party of the first part. And it is expressly covenanted and agreed by the party of the first part that if it shall operate under the reservation in this clause contained and if, in so doing, the party of the second part is injured or damaged thereby, said party of the first part shall pay said party of the second part in full compensation therefore, a reasonable sum for the actual injuries or damages to the premises, or to any crops or improvements thereon, but not to exceed \$15.00 per acre for such land as is actually damaged, or for such other injury to crops or improvements thereon as second party sustains or suffers. The use of the sub-surface with tunnels, drifts or excavations, shall not entitle the party of the second part to any compensation hereunder as excepted, saved and reserved in the deed from Pollatch Forest, Inc., a Corporation, recorded July 18, 1934 in Book 101 of Deeds, page 408.

1638570

FERNAN LAKE ROAD - PARCEL II

A portion of the Southwest quarter, section 10, Township 50 North, Range 3 W.B.M. Kootenai County, State of Idaho, more specifically described as follows:

Beginning at the Southwest corner of Section 10, Township 50 North, Range 3 West, Boise Meridian; thence East along the South line of said Section 10, 18.0 chains to a point on the East line of the existing County Road right of way, said point being the True Point of beginning for this description; thence continuing East along the South line of said Section 10, 12.8 chains; thence North 10 degrees East, 1.5 chains; thence North 23 degrees East, 1.5 chains; thence North 66 degrees East, 2.9 chains; thence East 0.7 chains to a point on the existing fence; thence along said existing fence as follows: North 17 1/2 degrees East, 4.5 chains, North 11 degrees East, 0.9 chains, North 16 degrees West, 1.4 chains, North 20 1/2 degrees West, 1.5 chains, North 20 1/2 degrees East, 2.3 chains, North 34 degrees East, 1.3 chains, North 59 degrees East 2.2 chains, North 67 degrees East, 1.0 chains, North 01 1/2 degrees East, 5.5 chains, North 40 degrees West, 2.5 chains, North 13 1/2 degrees West, 0.85 chains; thence North 60 1/2 degrees West, 10.2 chains to a point on the East line of the said existing county road right of way; thence Southwesterly along said East line of the county road right of way, 31.8 chains to the True Point of Beginning

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE PEWITTER OR
BALLPOINT PENState 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.

1. WELL OWNER Name <u>Archib D. Goodstetter</u> Address <u>7170 E Fernan Lake Rd</u> Drilling Permit No. <u>COA ID 8304</u> Water Right Permit No. <u>95-87-115</u>	7. WATER LEVEL Static water level <u>20</u> feet below land surface. Flowing? ☒ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>Cold</u> of. Quality <u>good</u> Describe erosion or temperature zones below.																				
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ Discharge G.P.M. <u>4</u> Pumping Level <u>450</u> Hours Pumped <u>1</u>																				
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1"><thead><tr><th>Bore Diam.</th><th>Depth From To</th><th>Material</th><th>Water Yield No</th></tr></thead><tbody><tr><td>8</td><td>0 3</td><td></td><td></td></tr><tr><td>8</td><td>3 19</td><td>Clay + Broken shale</td><td>2</td></tr><tr><td>8</td><td>19 23</td><td>Shale</td><td>2</td></tr><tr><td>6</td><td>23 450</td><td>Shale</td><td>1</td></tr></tbody></table>	Bore Diam.	Depth From To	Material	Water Yield No	8	0 3			8	3 19	Clay + Broken shale	2	8	19 23	Shale	2	6	23 450	Shale	1
Bore Diam.	Depth From To	Material	Water Yield No																		
8	0 3																				
8	3 19	Clay + Broken shale	2																		
8	19 23	Shale	2																		
6	23 450	Shale	1																		
4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	RECEIVED MAY 1 1991 DEPARTMENT OF WATER RESOURCES SOUTHERN REGION IDAHO RECEIVED MAY 01 1991 SOUTHERN REGION IDAHO																				
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ Thickness <u>2.50</u> inches <u>6</u> inches + <u>2</u> feet <u>23</u> feet <u>PVC</u> inches <u>9</u> inches <u>-10</u> feet <u>450</u> feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation _____ inches by _____ inches Number <u>100</u> perforations <u>350</u> feet <u>450</u> feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ foot to _____ feet Diameter _____ Slot size _____ Set from _____ foot to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ foot to _____ feet Surface seal depth <u>23</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe casing port _____																					
6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. Subdivision Name <u>DEC 27 1991</u> Lot No. _____ Block No. _____ County <u>Kootenai</u> _____ % _____ % Sec. <u>10</u> T. <u>50</u> N. <u>5</u> E. <u>3</u>	10. Work started <u>April 23/91</u> finished <u>April 25/91</u>																				
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>United Drilling</u> Firm No. <u>414</u> Address <u>PO Box 2499</u> Date <u>4/26/91</u> Signed by (Firm Official) <u>Bill R. [Signature]</u> and (Operator) <u>Dwight A. Shawnee</u>																					

USE ADDITIONAL SHEETS IF NECESSARY. FORN AND TR WHITE COPY TO THE DEPARTMENT

JOHN F. MAGNUSON
ATTORNEY AT LAW

ADMITTED IN IDAHO AND WASHINGTON

TELEPHONE
208•667•0100

FAX
208•667•0500

P.O. BOX 2350
1250 NORTHWOOD CENTER COURT
SUITE A
COEUR D'ALENE
IDAHO 83816

June 3, 2010

State of Idaho
Department of Water Resources
Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Earl G. Lunceford and Judith A. Lunceford Living Trust
Kootenai County Parcel No. 50N03W109200 – Tax No. 118067

Dear Sir or Madam:

Enclosed you will find a "Notice of Claim to a Water Right" on behalf of Earl G. Lunceford and Judith A. Lunceford Living Trust. This is one of five (5) claims submitted by the Luncefords.

The claim enclosed herewith is for a well that was drilled April 25, 1991 and which is described on the Well Driller's Report attached as Exhibit E to the Appendix to the application.

I enclose a check in the amount of \$65. This has been calculated, consistent with directions from Mr. Knobloch, as follows: \$50 plus \$1 for each acre under cultivation or landscaping that is serviced by the well.

If additional funds are needed, please advise. If there is an overpayment, you can remit in due course.

I also enclose a duplicate copy of this application. If you would be so kind, could you please conform the same, as of the date received, and return it to me in the envelope provided.

If you have any questions, please let me know. Thank you in advance for your assistance.

Sincerely,



John F. Magnuson

JFM/krm
Enclosure

cc: Mr. and Mrs. Earl G. Lunceford