

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

Claim ID: 95-17595

Date Received: 7-12-18

Receipt No: N033578

Claim Fee: 103⁰⁰ By: Ja

RECEIVED

JUL 12 2018

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR / NORTH

Please type or print clearly

1. Name of claimant(s) SEE ATTACHED Phone (____) _____
Mailing address SEE ATTACHED Zip _____
Street or Box _____ City _____ State _____
Email address (optional) _____
2. Date of priority: (Only one per claim) 12/31/1907 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) UNNAMED STREAM
which is tributary to (b) SINKS
4. a. Location of point of diversion is: Township 52N, Range 04W, Section 25,
NE 1/4 of NE 1/4, Govt. Lot _____, BM, County of KOOTENAI
Parcel no. 52N04W251300
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
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.
APPROXIMATELY 135' DIAMETER POND DUG IN STREAM WITH OVERFLOW CONTINUING DOWN
STREAM CHANNEL BEFORE SINKING INTO GROUND.

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6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For STOCKWATER purposes from 1/1 to 12/31 amount 0.02 or _____

For STOCKWATER STORAGE purposes from 1/1 to 12/31 amount _____ or 0.5

For STOCKWATER FR. STORAGE purposes from 1/1 to 12/31 amount _____ or 0.5

For RECREATION STORAGE purposes from 1/1 to 12/31 amount _____ or 19.5

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) 19.5 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) STOCKWATER USE FOR 40 HEAD OF CATTLE

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 (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	04W	25	S&R	S															

Parcel no(s) 52N04W251300 Total number of acres irrigated _____

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 (☒)

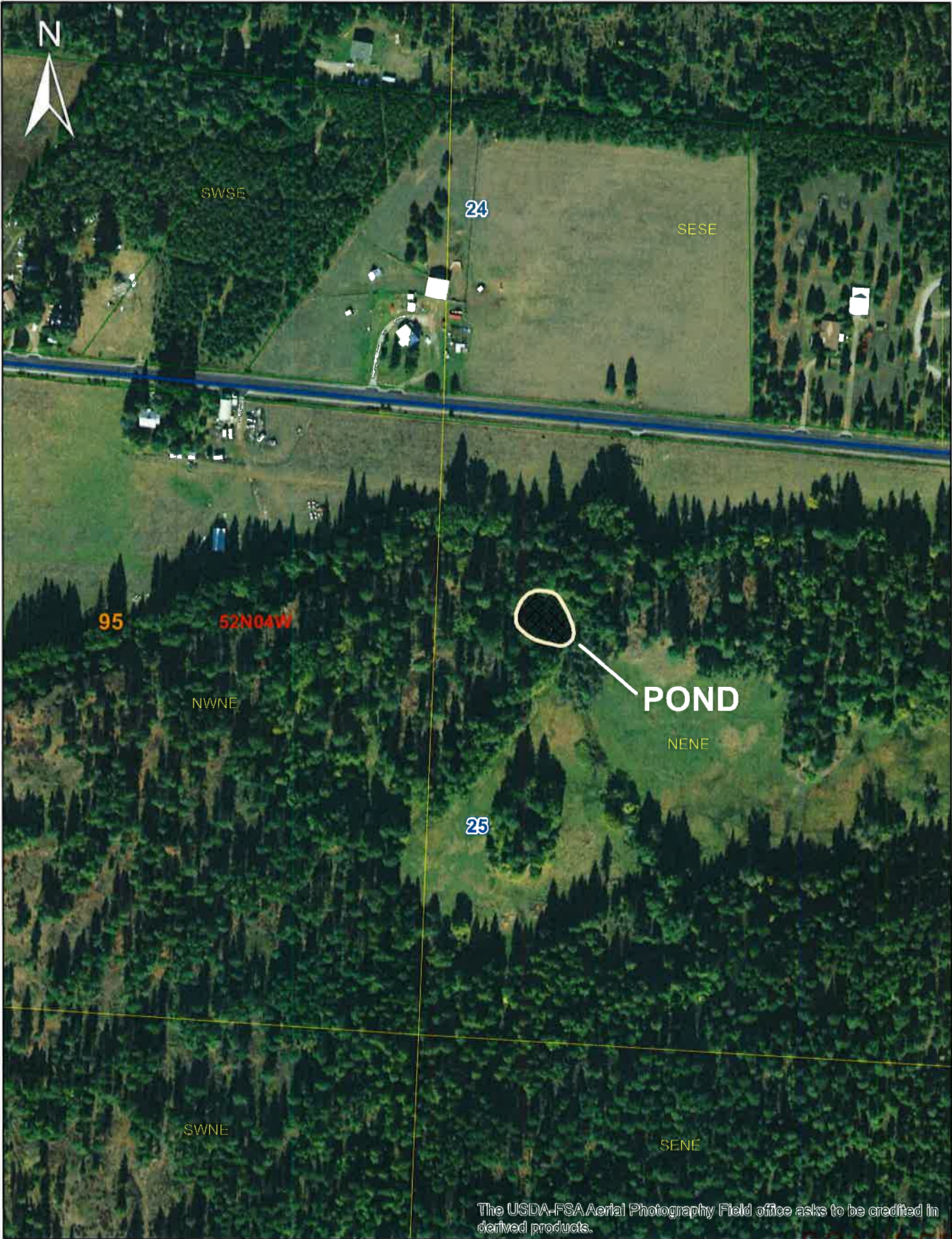
13. Remarks (Include an explanation of the priority date selected):
POND HISTORY EXPLAINED IN ACCOMPANYING AFFIDAVIT AND PHOTOS.

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Name of claimant(s) SEE ATTACHED Claim ID _____

PARCEL LOCATION FOR CSRBA WATER RIGHT CLAIM



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

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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 Water System 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: 23

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) Bucky D Nelson Date: 7/9/2018
Shu Martell Date: 7/9/2018

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on 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 _____

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Name of claimant(s) SEE ATTACHED Claim ID _____

NAME OF CLAIMANTS

BECKY D NELSON
3120 COOLIDGE DR
BELLINGHAM, WA 98225
(360) 734-9778

AND/OR

SUSAN MARTELL
3208 PLYMOTH DR
BELLINGHAM, WA 98225
(360) 961-6369

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Total Storage Calculations

FILE NUMBER	XX-XXXX
REVIEWER	Evan Roda
DATE	7/2/2018

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.25	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	1.6	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.4	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0.5	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	18.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.4	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	19.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

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June 21, 2018

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To: State of Idaho Department of Water Resources

From: Becky Nelson and Susan Martell

We would like to establish stream, pond and stock water rights for property that we presently own that has been in continuous use by members of our family since 1907. We are submitting pictures and documents of ownership to substantiate our claim of priority. There are three existing springs which provide our water. The water rises and falls within the boundaries of our property. The water has provided stock with drinking water and is used for irrigation as well as for domestic use.

We own approximately 160 acres located at 1208 East Garwood Road, Hayden Lake Idaho. This property has had several different addresses over that period of time, which were assigned by the post office.

We are requesting that all water rights at this location be given the priority date of 1907, as it has been used for stream, pond, and stock water purposes since that time. We presently have approximately 40 head of cattle on the property.

Raymond Spackman has submitted to you a letter that says he moved a trailer onto his property across the street in 1958. On an aerial photo which we have included with this document {original is located in the Hayden Lake library} taken and dated 1965, G72, it clearly shows that there is no trailer or any other existing building on the location where he is claiming he placed his building. In a letter in your files, dated October 4, 2016, written by his former wife Kathryn Spackman, she states that they moved to Garwood in 1972. This 1972 date is acknowledged by neighbors who lived in the area at that time. We would challenge any water right for Raymond's claim as there is no evidence of any dwelling on the land where he presently resides.



Becky Nelson

3120 Coolidge Drive

Bellingham WA 98225

ran9778@aol.com



Susan Martell

3208 Plymouth Drive

Bellingham WA 98225

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1208 E Garwood, Hayden Lake,
Idaho



Alice Fountain on
farm - late 1940's

Garwood - across is Spackman field



Susan Beighle Martell
late 1940's
grandma's house



Becky Beighle Nelson
1948 or 49



Elizabeth & Katie Nelson - at farm
in late 1990's

Spackman Original house in back
ground

United States

To

Northern Pacific Rail-
road Company.

Patent

Dated December 22, 1894

Filed February 4, 1895

Book "W" Deeds, page 102

All of Section 25, Township 52, North of Range 4 W. B. M.

By the President,

G. L. O. Seal.

Grover Cleveland,

M. Mc Kean, Secretary.

L. Q. C. Lamar, Recorder.

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written by Alice Goodrich Fountain
recording births of her children -
Bruce, Aug 20, 1907 was first child born on
farm. Lucy (Bob) born June 26, 1909 is our mother.
BDN

Alice Jennie Goodrich
January 18 - 1878
Becker, Sherburn Co Minn

Children
Ruth Alberta Fountain } Shirley Nelson
Sept. 4, 1903 Becker Minn } Jeanie
Miles Fountain } }
Becker Minn } }
Oct 23 1905 -

Bruce - Perry Aug. 20 1907
Garwood Ida June

→ Lucy Fountain June 26, 1909
Garwood Ida
Jennie Marie Fountain Jan 22, 1912
Garwood Ida

John Albert Fountain May 10, 1915
Garwood Ida
Jessie Lois Fountain July 21 - 1917
Garwood Ida

Helen May Fountain May 15, 1919
Garwood Ida

E

Hayden Lake Library

7/24/65

G 72



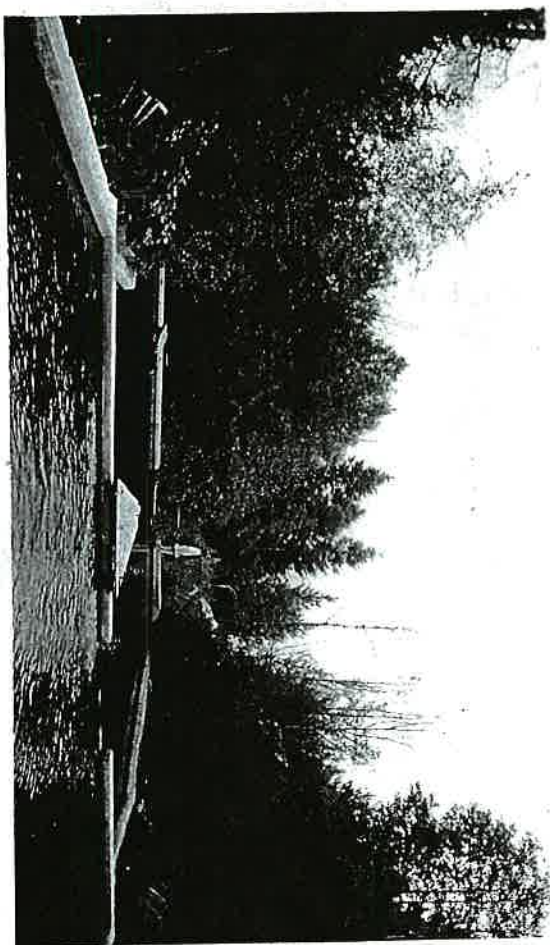
FRANKIE Watson Whitall

pond on Kimrock about
1920

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Jean on pond
at Garwood
Jenny was in
back ground -
taken about 1920
Jen born Jan 27, 1912



pond

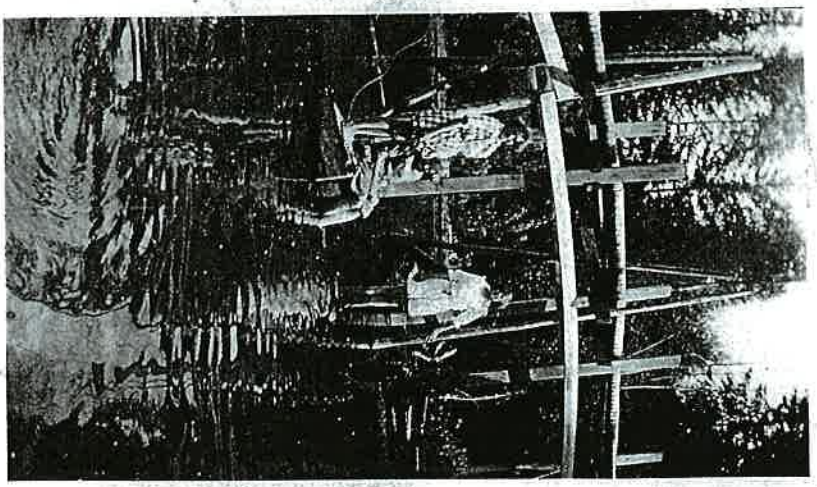


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pond at bottom of water fall coming from above
 rimrock to fields below.
 ↓ pipes to supply water to house and fields

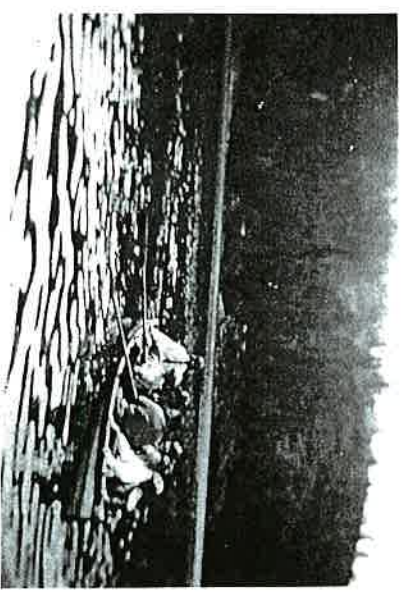
INED
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Ostreich's
 Stark's
 Shale poles



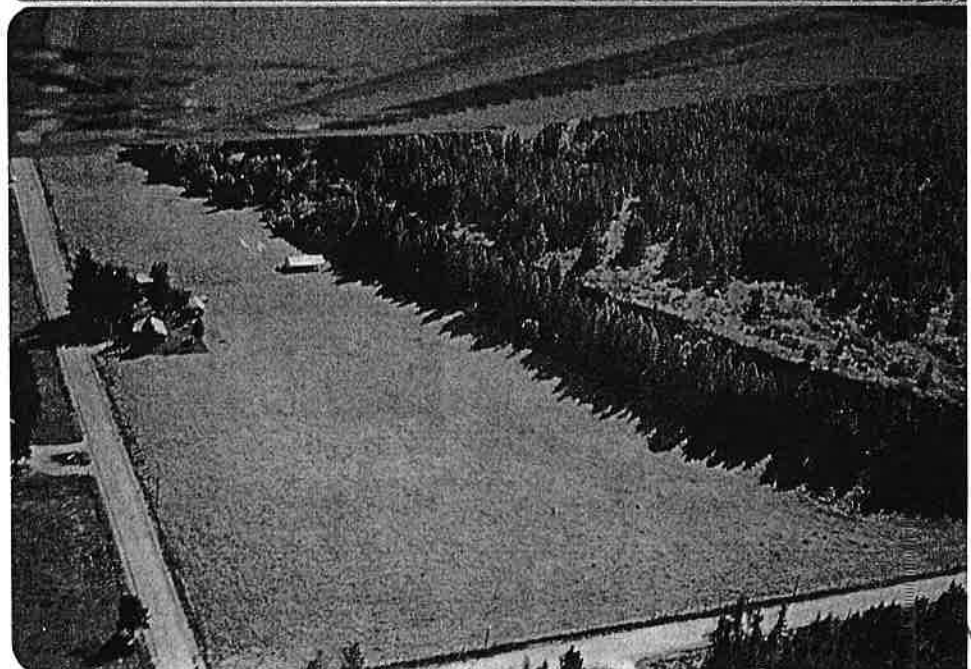
Twin Lake Picnic
 ↓



What have you?



Violet + Beanie Nesene
 Helen

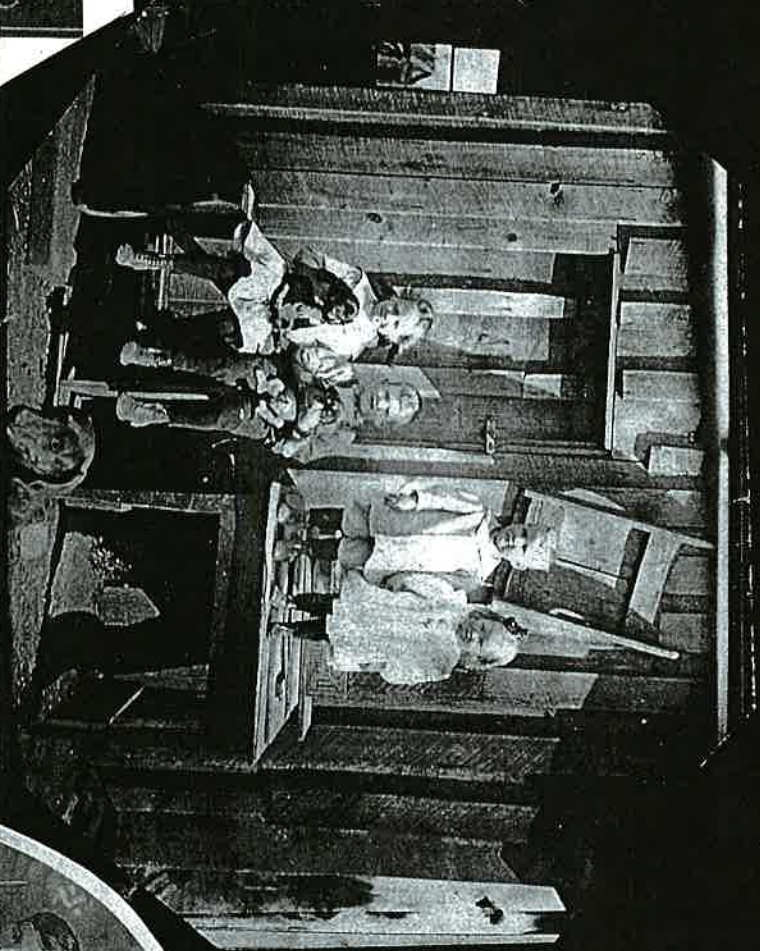


Taken 1975
 (Beigke) Nelson Martell
 6208 Greenwood
 Road,

about 1910 or 1911
home on 1208 E. Greenwood Rd. Hayden Lake

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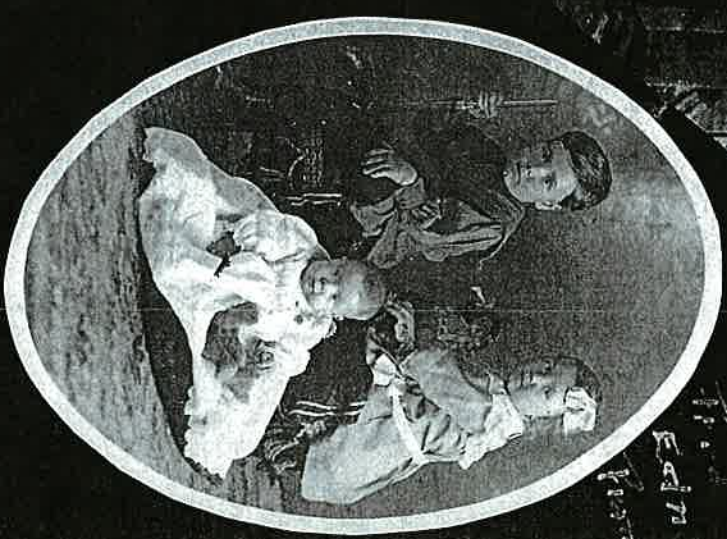
When The family was



Ruth-Miles Bruce Bob

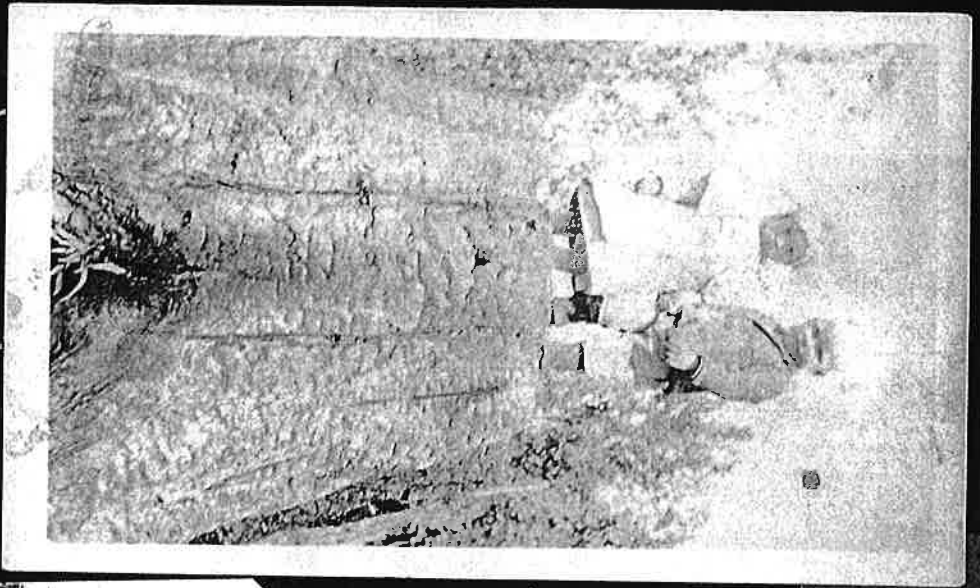


RUTH, JOHN, MILES, JIM, GRANDMA, BRUCE

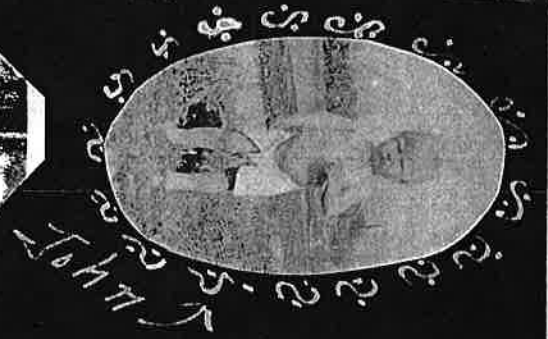
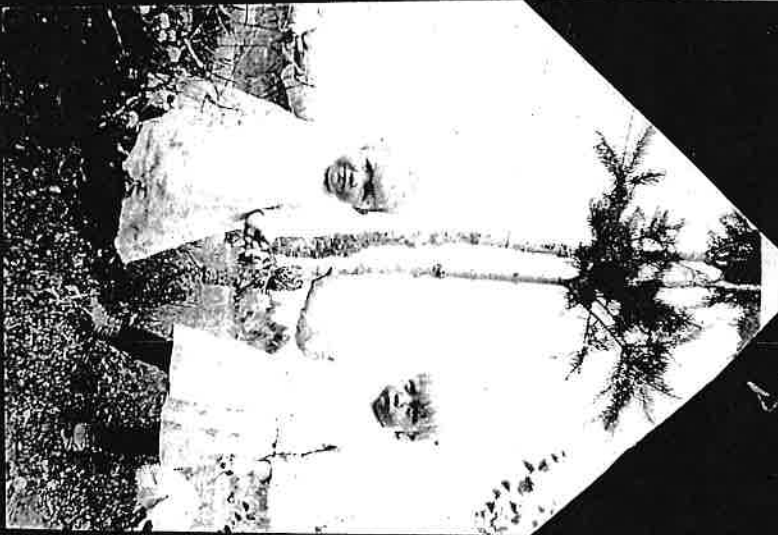


Cousins
Fred
Edna

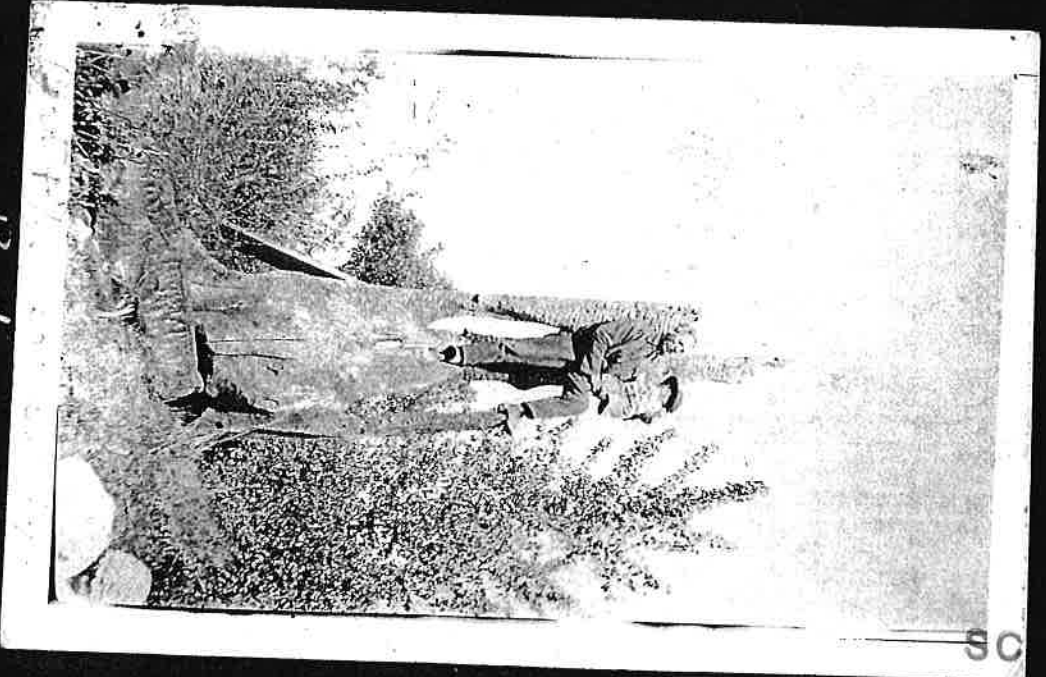
Kera - John



Jessie - Kera



Bert Jessie

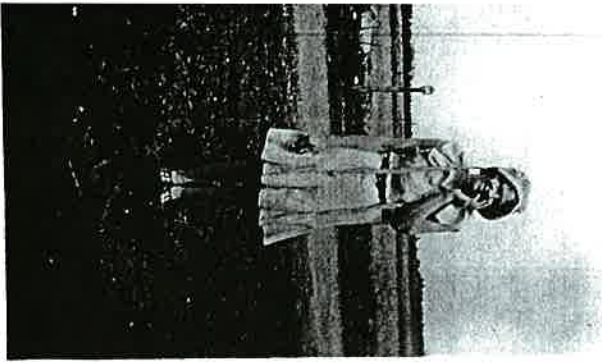


SC

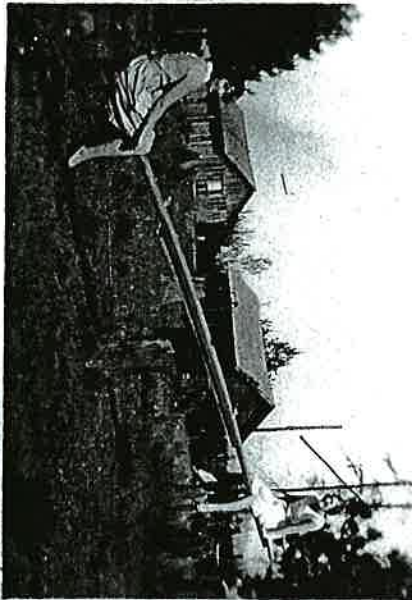
NED

2018

taken on farm about 1917
after the big fire -



th - Sonbennet baby -

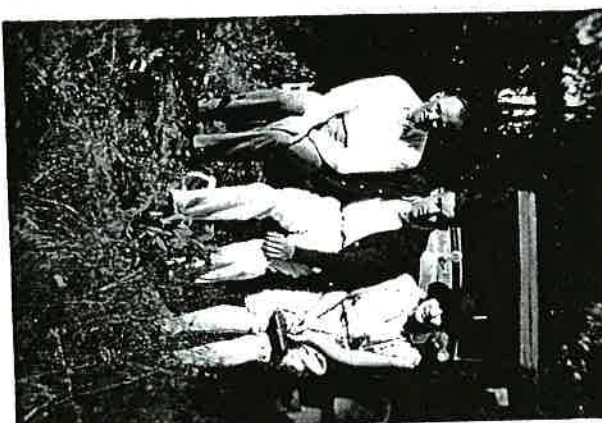


Mary

Merry Go Round



Mr. and my big bro.



Fish Lake

Mr. Post
Clarence Kneer

Geography Trip? No!!



Miles Dad



Lute Grandpa
Houffman

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1208 E Greenwood Rd. Heydon, Lake Tahoe

1st owners Bert & Alice Fountain

Bruce Fountain -

2nd owner - got from
his folks Bert & Alice
Fountain

3rd owner Lucy (Bob) his
sister & Howard Bright

4th owners Becky Nelson &
Susan Martell -
daughters of Lucy &
Howard

So tuff?



Baby Helen



Bruce



Helen

careful

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Three Days on the Ranch

June 4th 5th 6th 1930



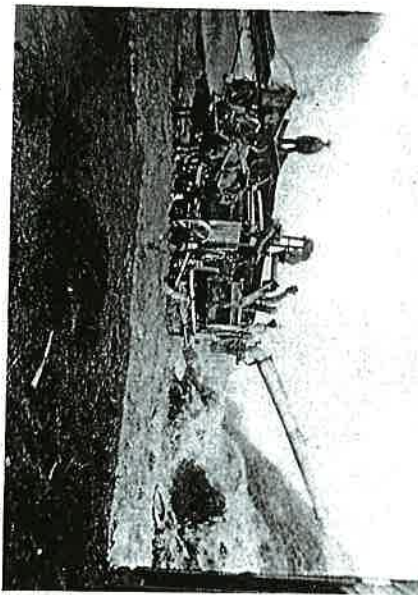
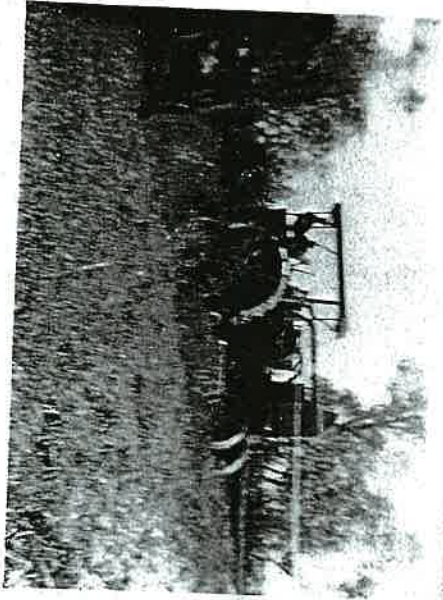
Vern
Jane
Bob



John
Jane
Verna

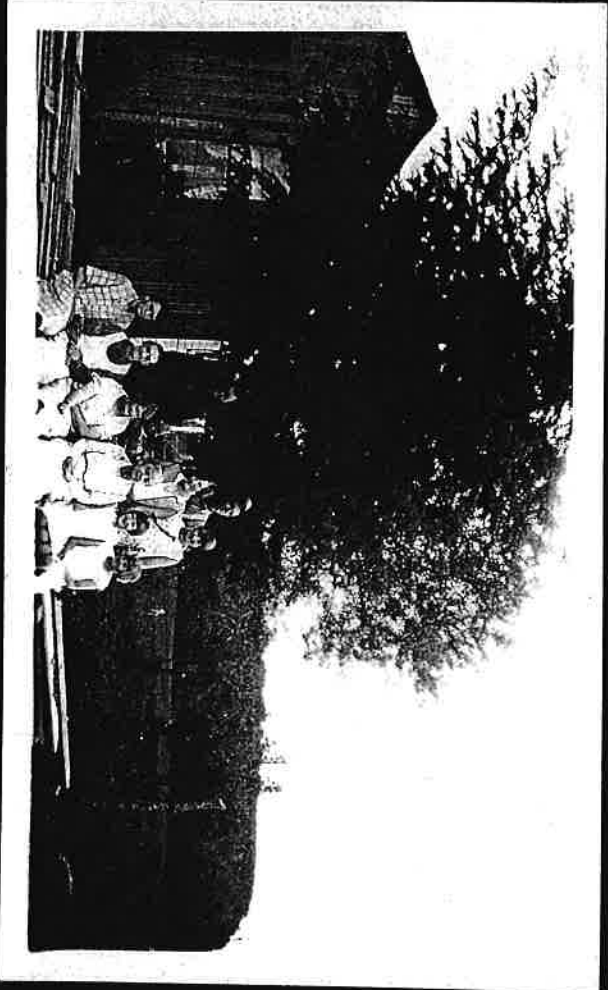


Ethel - Bob - Jane
Some Mushrooms

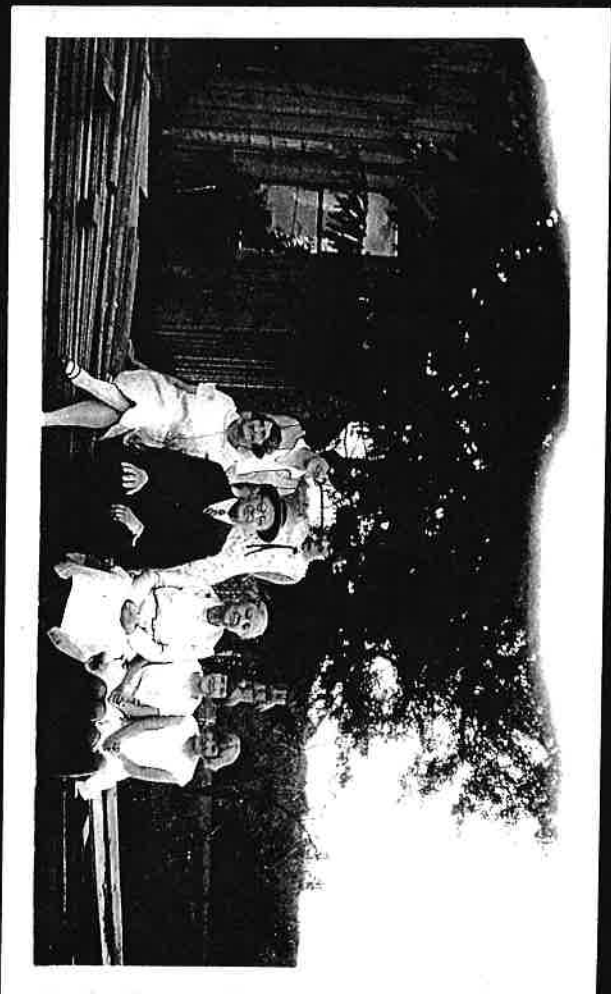


Some of the animals used for
farming

SEP 18 20

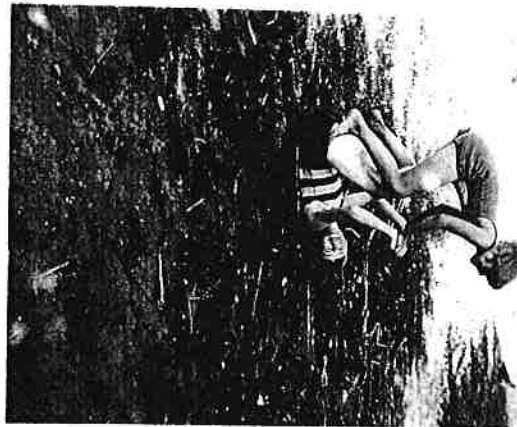


The Sunday
 Men & George
 Aunt Mary
 were here 193

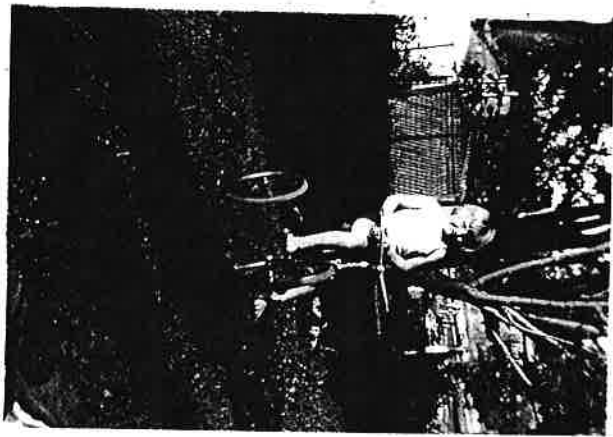


fields in background used for growing
 hay for livestock -

Helen & Jessie



All Ready - go!



All Ready
for
A swim

Thanks for
the
Buggy ride.



Why the magnificent look, Jess?

My little brother Helen

1208 E Girwood -
looking across
at Spackman's field -

What do you remember
do early morning?

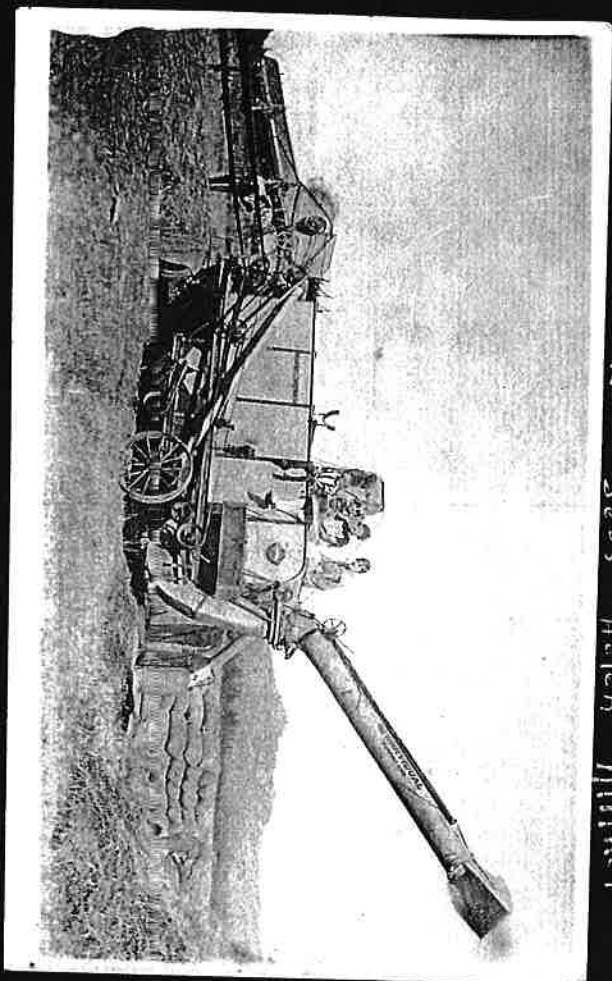
Child, you had better grave distance.



Me - Jess - Helen - Melba

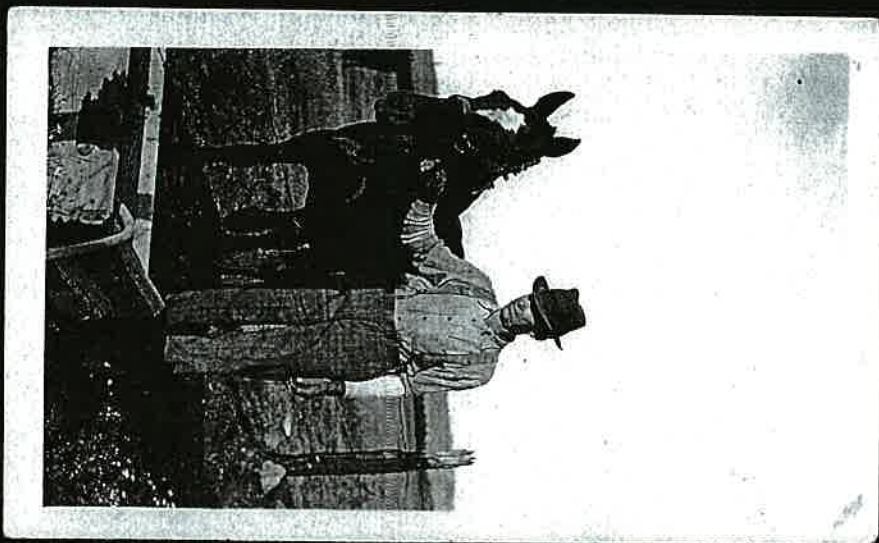


Servants
Al and Paul



My
P.T. M.

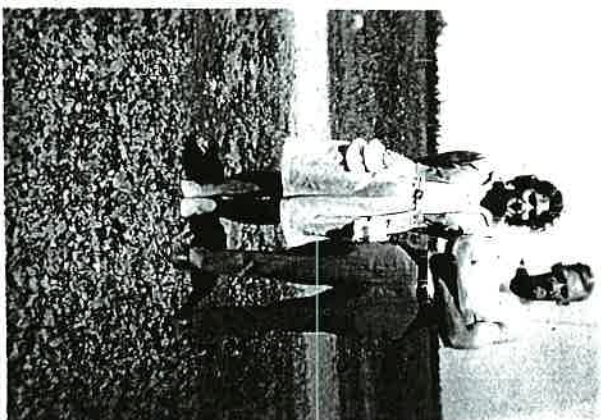
new machine to help out



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A Week End At Home July 26, 1929

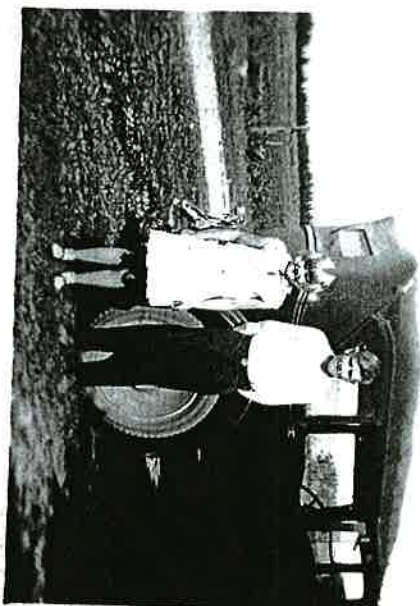
Mary & Miles



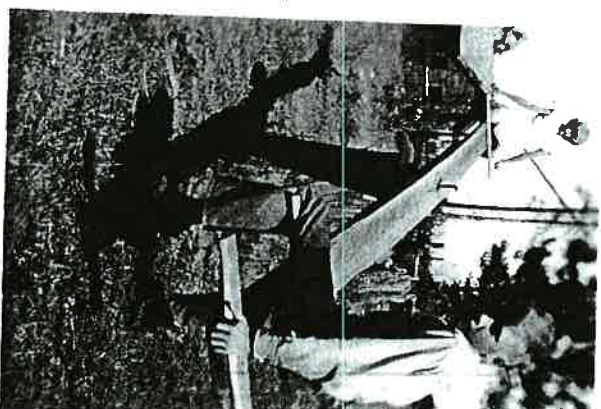
You big blonde brate



← Matt Helen Bob →
OH those legs



Helen & John
Sunday Afternoon



Helen & John.