

RECEIVED

MAY 21 2019

IDWR / NORTH

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 PALOUSE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 59576

Claim ID: 87-10902

Date Received: 5-21-19

Receipt No: N034631

Claim Fee: 2500 By: ja

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

Please type or print clearly

- Name of claimant(s) JANICE M WILLARD Phone (509) 330-2024
Mailing address 3100 DARBY RD MOSCOW ID Zip 83843
Street or Box City State
Email address (optional) jwillard@turbonet.com
- Date of priority: (Only one per claim) 1/2/1889 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) SPRING
which is tributary to (b) PARADISE CREEK
- Location of point of diversion is: Township 39N, Range 05W, Section 4,
SE 1/4 of NE 1/4, or Govt. Lot BM, County of LATAH;
Parcel no. RP39N05W041803
Additional points of diversion, if any:
If available, GPS coordinates:
- 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 BOX AND PUMP WITH PIPELINE TO CISTERN IN BARN
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

		Month/Day	Month/Day	cfs (✓) or AFY ()
For	<u>DOMESTIC</u>	purposes from <u>01/01</u>	to <u>12/31</u>	amount <u>0.02</u>
For	<u>STOCKWATER</u>	purposes from <u>01/01</u>	to <u>12/31</u>	amount <u>0.02</u>
- Total quantity claimed 0.02 cfs (✓) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
STOCKWATER FOR 70 SHEEP AND 50 GOATS, DOMESTIC FOR 1 HOME, SOME LAWN/GARDEN

9. Location of place of use is: Township 39N, Range 05W, Section 3,
SW 1/4 of NW 1/4, Govt. Lot _____ BM, Parcel no. RP39N05W033612

_____ 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? LATAH

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.
_____ or None (✓)

13. Remarks (include an explanation of the priority date selected):

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 Palouse 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: _____

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: 5/21/2019
_____ Date: _____

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:

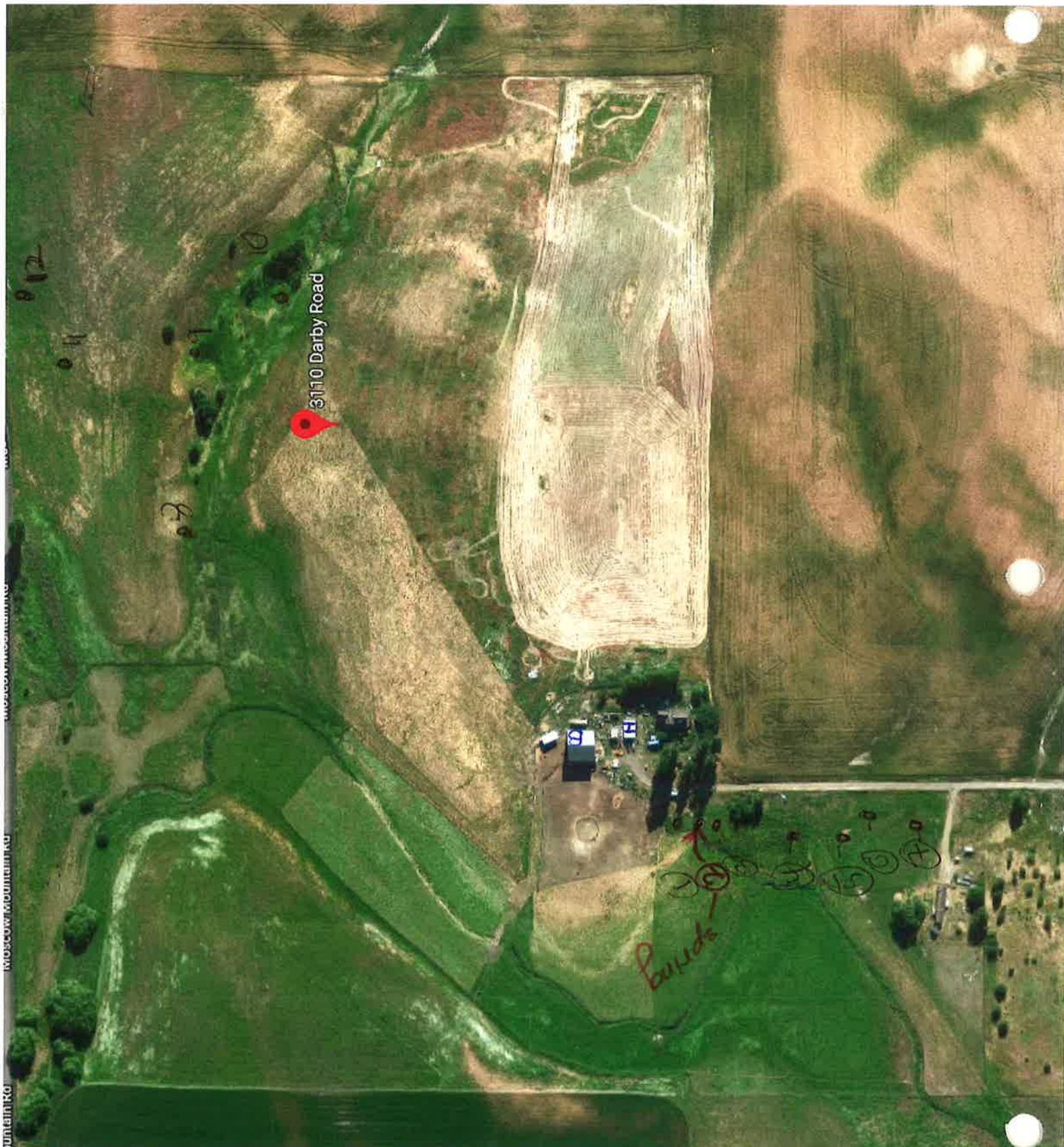
Notice is hereby given that I, (please print) _____, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) JANICE M WILLARD Claim ID _____

Spring # 2 is our Household water use Spring. It supplies 2 horses and the barn
 Spring # 2 & 5. Archeological Artifacts in direct historical use have been found
 including pottery & crockery fragments, cut lumber to form well, stoneware, perfume stopper



Developed Springs

Springs 1, 4, 5, 6, 7, 8, 9, 10, 11 & 12 are all being utilized as livestock water
 Springs 1-4 also support a wetlands (1/4 acre) Spring 2 is currently our sole household
 water supply

Date: 3/3/2002
 start time: 4:15 PM
 finish time: 4:30 PM

delta time sec	Volume ml	Q l/min	Volume gal	Q gpm
4.34	1320	18.25	0.35	4.82
5.56	1700	18.35	0.45	4.85
4.93	1520	18.50	0.40	4.89

Spring # 2
 Direct measurement

4.97 cfs

Measured as stream
 enters property
 Measured as stream
 leaves property

single point
 Upstream = 50.00 gpm
 Downstream = 70.00 gpm

7200.00 gal per day =
 28800.00 gal per day =

3.E+06 gal per year
 1.E+07 gal per year

2.63
 10.51

Dr. Fern Brooks of University of Idaho
 was studying the springs on my property.
 I asked how much water was being
 generated overall by the springs. He and
 his students measured the water flow
 rate and estimated volume as Paradise
 Creek entered and left my property to
 get this estimate.

Naylor farm water report
 was added for comparison

Naylor = 2400000000.00 gal per year
 851172537.60 gal per year

2400.00
 851.17
 600.00

44.00

851172537.60

million gallons per year

0.1%

0.3%

0.4%

million gallons per year

0.4%

1.2%

1.8%

million gallons per year

million gallons per year

million gallons per year

million gallons per year

United States to Lafayette W. Harnoth

Requested Certificate No. 166
Application 128

The United States of America.

To all to whom these presents shall come

Greeting: Whereas there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Lewiston Idaho Territory, whereby it appears that pursuant to the act of Congress approved 20th May 1862, "To secure title to coal and oil on the Public Domain", and the acts supplemental thereto the claim of Lafayette W. Harnoth has been established and duly consummated, in conformity to law for the South half of the north-west quarter and the north half of the south-west quarter of section three in township thirty-nine north of range five west of Boise Meridian in Idaho Territory, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General; And knowing that there is therefore, granted by the United States unto the said Lafayette W. Harnoth the tract of land above described; Do have and do hold the said tract of land, with the appurtenances thereof unto the said Lafayette W. Harnoth and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts and also subject to the right of the proprietor of a vein or lode to extend and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. In testimony whereof I, Chester A. Arthur, President of the United States of America have caused these letters to be signed Patent and the Seal of the General Land Office to be hereunto affixed. Given under my hand, at the city of Washington the thirtieth day of September in the year of our Lord one thousand eight hundred and eighty-two and of the Independence of the United States the one hundred and seventh.

By the President: Chester A. Arthur. By A. L. Ingle, act. Secy.
S. W. Clark, Recorder of the General Land Office. Recorded Vol. 1 Page 124
Filed for Record Jan. 2nd 1899 at 11 A.M.

Request of 204 serial. Due \$1.00

W. B. K. Y. C.

Recorder, Latah County, Idaho.

United States to Lafayette W. Warrmoth

Certificate No. 14 } The United States of America, do all to whom these
 presents shall come bearing; Whereas Lafayette W. Warrmoth of Nez
 Perce County Idaho Territory, has deposited in the General Land Office
 of the United States a Certificate of the Register of the Land Office at Lew-
 ison Idaho Territory whereby it appears that full payment has been
 made by the said Lafayette W. Warrmoth according to the provisions
 of the Act of Congress of the 24th of April 1820, entitled "An Act making
 further provision for the sale of the Public lands, and the acts suppli-
 mental thereto for the north half of the South-east quarter, and the
 South half of the North-East quarter of section four in Township
 Thirtieth North of Range five west in the district of Lewis subject
 to sale at Lewison Idaho Territory, containing one hundred and
 fifty acres, according to the Official Plat of the Survey of the said
 Large, returned to the General Land Office by the Surveyor General
 which said tract has been purchased by the said Lafayette W. Warrmoth
 Now Know Ye, that the United States of America in consideration of
 the premises, and in conformity with the several acts of Congress
 in such case made and provided, have given and granted and by
 these presents do give and grant unto the said Lafayette W. Warrmoth
 the right and privilege of using the water of the said stream and its
 tributaries for the purpose of irrigating the said tract of land
 for mining, agricultural, manufacturing or other purposes and right
 to dilute and receive used in connection with such water right
 as may be recognized and acknowledged by the local customs, laws and
 decisions of courts and also subject to the right of the proprietor of a water
 or land to obstruct and remove his or theirs from, should the same be
 found to penetrate or intersect the premises hereby granted, as pro-
 vided by law. In testimony whereof, I, Rutherford B. Hayes, President
 of the United States of America have caused these letters to be read before
 and the Seal of the General Land Office to be hereunto affixed, Given
 under my hand, at the City of Washington the twentieth day of March
 in the year of our Lord one thousand eight hundred and seventy seven
 and of the Independence of the United States the one hundred and first.
 By the President R. B. Hayes, By W. H. Cook Secretary
 W. H. Cook, Register of the General Land Office

Recorded, Vol. 1 Page 48

Filed for Record January 2nd 1889 at 11 A.M.

Request of J. H. Leland

True J. H. Leland

J. H. Leland Recorder, Latah County, Idaho.

INDEX TO DEEDS.—Grantees.

Printers, Lithographers and Stationers, St. Louis.

NAMES OF GRANTEE	NAMES OF GRANTORS	Date of Deed			Where Recorded	
		Month	Day	Year	Book	Page
Whitley, J. W.	Albert & Sarah J. Carrillo	May	30	1888	2	11
White, W. C.	Mabel Hazlett	"	13	"	1	6
White, F. L.	W. H. & Mary E. Baker	July	11	"	1	18
Westendahl, Charles	United States Receipt	Mich	10	"	1	24
Webster, G.	C. C. Linnallen	Feb	22	1887	2	63
Webster, G.	C. C. Linnallen	April	7	"	2	64
Webster, G.	C. C. Linnallen	Sept	11	1888	2	65
Walker, Charles L.	United States Receipt	Aug	3	1885	1	64
Wright, Davis & Emma L.	John S. Judson & Wife	Sept	15	1888	2	73
Whitley, J. W.	C. C. Linnallen	Oct	10	"	2	92
Webster, G.	N. A. Skeels & Wife	"	10	"	2	95
Wiles, D. J. and Wife	C. E. Wilson	July	28	1888	1	109
Webster, Matt	Robt Brown & Wife	Oct	27	1888	2	117
Warren, A. A.	Arthor H. Korie	Nov	1	1888	2	152
Woodruff, Mason	United States Patent	Dec	5	1884	1	170
Whig, A. C.	A. S. Mitchell	Nov	28	1888	2	165
Wolfe, W.	Frank W. Webster & Wife	Dec	3	1888	1	188
Webster, Frank W.	W. Wolfe & Wife	Dec	3	1888	1	189
Whitson, William H.	W. H. Baker & Wife	Aug	29	1888	1	191
Wiley, J. and J. Schumaker	Martin Biechtel and wife	Dec	6	1888	1	209
Wiley, Justus W.	Andy M. Grinnell & wife	May	2	1888	1	224
Webster, Matt	R. A. Browne & wife	Dec	21	1888	2	201
Wolfe, Clinton M.	United States Patent	Dec	5	1884	1	232
Walker, Alfred T.	United States Receipt	Nov	27	1888	1	241
Warren, Lafayette H.	United States Patent	Sept	30	1887	1	246
Warren, Lafayette H.	United States Patent	Nov	20	1887	1	247
William, Edwards	George C. Kenoyer & wife	Dec	26	1888	1	238
Webster, Matt	R. A. Browne & wife	Jan	7	1889	2	217
Wendt, Frederick	Martin J. Messels	Dec	27	1888	2	222
Warren, A. A.	Mrs. S. H. Johnson	Jan	15	1889	2	232
Wiley, J. H.	J. W. Ross and wife	July	14	1888	1	280
Wolfe, George H.	Andrew L. Lido & wife	Feb	2	1889	2	255
White, F. L. et al	M. G. Little & wife	Feb	20	1889	2	283
Wren, Michael	United States Receipt	June	30	1886	1	334
Wiley, H. P.	J. R. Ross & wife	Feb	26	1889	1	343
Wick, Geo. et al	Lee Cantel & wife	Feb	27	1889	1	348
West, Isaac X	Jasper M. Dimmons & wife	Jan	16	1889	2	291
West, Thomas R.	Stephen J. West	Nov	8	1889	1	396
West, Stephen J.	Thomas R. West & wife	Nov	8	1889	1	398
West, Isaac A.	Jasper M. Dimmons & wife	"	9	"	1	493
Williamson, Charles L.	United States Patent	Feb	23	"	1	509
Wallace, D. L. H.	United States Receipt	May	17	"	1	551
Webster, Matt	C. C. Linnallen	"	21	"	2	132
Webster, Matt	United States Receipt	"	6	"	1	552

the same are free and clear of all former or other grants bargain
sale, lien, taxes, assessments and incumbrances of what kind
or nature soever; and the above bargained premises in the quiet
and peaceable possession of the said party his heirs and assigns
against all and every person or persons lawfully claiming or to
claim the whole or any part thereof, the said parties of the first
part shall and will warrant and forever defend.

In witness whereof, the said parties of the first part have hereunto
set their hands and seals the day and year first above written,

Signed, sealed and delivered in presence of
Witnesses to mark of Lafayette W. Warmoth

Hamilton Stittson

Witnesses to mark of Nancy J. Warmoth

Cora Thoresbourn

State of California } ss

County of Tehama }

On this twenty seventh day of November
A D 1888 before me W Henry Jones a Notary Public in and for said
Tehama County State of California personally appeared
Lafayette W Warmoth known to me to be the person whose name
is subscribed to the within and foregoing instrument and ack-
nowledged to me that he executed the same,

In witness whereof I have hereunto set my hand and affixed
my official seal at said Tehama County State of California the
day and year last above written,

Seal
of
Notary

W Henry Jones
Notary Public Tehama Co. Cal.

State of California } ss

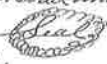
County of Tehama }

On this 28th day of November A D 1888
before me J R Whitlock a Justice of the Peace in and for Parkersburg
Township in said Tehama County State of California personally
appeared Nancy J Warmoth known to me to be the person whose
name is subscribed to the within and foregoing instrument
described therein as a married woman; and upon exam-
ination without the hearing of her husband I made her acquainted
with the contents of the said instrument and thereupon she acknow-
ledged to me that she executed the same and that she does not wish
to retract such execution, Given under my hand at Parkersburg in
said Tehama County State of California the day and year last
above in this certificate written, J R Whitlock Justice of the
Peace Parkersburg Township Tehama Co. Cal.

L W Harnoth and wife to J W Brierley

This Indenture, made this 27th day of November in the year of our Lord one thousand eight hundred and eighty eight Between L W Harnoth and Nancy J Harnoth his wife of Placeruta county of Dehanna State of California of the first part and J W Brierley of Moscow county of Latah Territory of Idaho of the second part; Witnesseth that the said parties of the first part for and in consideration of the sum of \$4,000 Dollars in hand paid by the said party of the second part the receipt whereof is hereby acknowledged and the said party of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated, and confirmed and by these presents do grant bargain sell remise, release alien and confirm unto the said party of the second part and to his heirs and assigns forever all the following described lot piece or parcel of land, situated in the county of Latah and Territory of Idaho and known and described as follows to-wit: The South half of the North West quarter and The North half of the South West quarter Section Three and the South half of the North East quarter and the North half of the South East quarter Election Four Township Thirty nine North Range five west Boise Meridian containing Three hundred and twenty acres according to U S Government Survey more or less, Together with all and singular the hereditaments and appurtenances thereto belonging or in any wise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all the estate, right, title interest, claim or demand whatsoever of the said parties of the first part, either in law or equity of in and to the above bargained premises with the hereditaments and appurtenances; To have and to hold the said premises above bargained and described, with the appurtenances, unto the said party of the second part his heirs, ^{and assigns forever} And the said parties of the first part for their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part his heirs and assigns, that at the time of the enrolling and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and have good right full power and lawful authority to grant, bargain sell and convey the same in manner and form aforesaid; and that

United States to Lafayette W Warmoth

Certificate No. 15 } The United States of America, do all to whom these presents shall come bearing; Whereas Lafayette W Warmoth of Nez Perce County Idaho Territory has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Lewiston Idaho Territory whereby it appears that full payment has been made by the said Lafayette W Warmoth according to the provisions of the Act of Congress of the 24th of April 1820, entitled "An Act making further provisions for the sale of the Public lands, and the acts supplemental thereto for the north half of the South-east quarter and the South half of the North-East quarter of Section four in Township thirty-nine North of Range five west in the district of Lewis subject to sale at Lewiston Idaho Territory, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General which said tract has been purchased by the said Lafayette W Warmoth Now Know Ye that the United States of America in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted and by these presents do give and grant unto the said Lafayette W Warmoth the lands above described to have and to hold the same together with all the rights and privileges appurtenant and appertaining thereto unto the said Lafayette W Warmoth and to his heirs and assigns forever subject to any water and actual water right for mining, agricultural, manufacturing or other purposes and right to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs laws and decisions of courts and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; In testimony whereof, I, Rutherford B Hayes President of the United States of America have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed, Given under my hand, at the City of Washington the twentieth day of March in the year of our Lord one thousand eight hundred and seventy-seven and of the Independence of the United States the one hundred and first. By the President R B Hayes, By H H Cox Secretary 
J W Clark, Recorder of the General Land Office

Recorded Vol. 1 Page 48

Filed for Record January 2nd 1889 at 11 A.M.

Request of J W Clark Fee \$1.00

M. B. Cole Recorder, Latah County, Idaho.

Wanted State to Lafayette W Warmoth

Requested Certificate No. 166 } The United States of America.
 Application 128 } To all to whom these presents shall come
 Greeting: Whereas there has been deposited in the General Land Office
 of the United States a Certificate of the Register of the Land Office
 at Livingston Idaho Territory whereby it appears that pursuant
 to the act of Congress approved 20th May 1862, "To secure homesteads
 to actual settlers on the Public Domain" and the act supplemental
 thereto the claim of Lafayette W Warmoth has been established
 and duly consummated, in conformity to law for the South
 half of the north-west quarter and the north half of the south-west
 quarter of section three in township thirty-nine north of range
 five west of Boise Meridian in Idaho Territory containing
 one hundred and sixty acres, according to the Official
 Plat of the Survey of the said land, returned to the General
 Land Office by the Surveyor General; Now know ye, that there is
 therefore, granted by the United States unto the said, Lafayette
 W Warmoth the tract of land above described; To have and to
 hold the said tract of land, with the appurtenances thereof
 unto the said Lafayette W Warmoth and to his heirs and assigns
 forever; subject to any vested and accrued water rights for
 mining, agricultural, manufacturing or other purposes
 and rights to ditches and reservoirs used in connection
 with such water rights as may be recognized and acknowledged
 by the local customs, laws and decisions of courts and also
 subject to the right of the proprietor of a vein or lode to extract
 and remove his ore therefrom, should the same be found to pene-
 trate or intersect the premises hereby granted as provided by law
 In testimony whereof I, Chester A Arthur President of the
 United States of America have caused these letters to be made
 Patent and the Seal of the General Land Office to be hereunto
 affixed, Given under my hand at the city of Washington the
 thirtieth day of September in the year of our Lord one thousand
 eight hundred and eighty-two and of the Independence of the United
 States the one hundred and seventh.

By the President, Chester A Arthur. By C L Field act. Secretary
 S W Carr Recorder of the General Land Office Recorded Vol. 1 Page 124

Filed for Record Jan. 2nd 1889 at 11 AM.

Request of 20th series. Due \$1.00

M. B. Kyle

Recorder, Latah County, Idaho.