

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: 87-11353

Date Received: 7-25-2019

Receipt No: N035256

Claim Fee: \$25.00 By: JB

RECEIVED

JUL 25 2019

IDWR/NORTHERN

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

1. Name of claimant(s) ESTHER J NOWACK LIFE ESTATE AND/OR ET AL. Phone (503) 729-4915
 Mailing address 1020 S NOWACK LN POTLATCH ID 83855
Street or Box City State Zip
 Email address (optional) _____
2. Date of priority: (Only one per claim) 7/30/1981 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) POND
 which is tributary to (b) SINKS
4. Location of point of diversion is: Township 41N, Range 03W, Section 4,
NE 1/4 of SE 1/4, or Govt. Lot _____ BM, County of LATAH;
 Parcel no. RP41N03W047334
 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.
POND COLLECTS SNOW MELT AND SURFACE RUN-OFF AND STOCK DRINK DIRECTLY FROM POND
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For _____	purposes from	Month/Day _____	to	Month/Day _____	amount	cfs (✓) or AFY () _____
STOCKWATER		1/1		12/31	0.02	
_____		_____		_____	_____	_____
7. Total quantity claimed 0.02 cfs (✓) or AFY ()
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
STOCKWATER FOR UP TO 50 HEAD MIXED STOCK

9. Location of place of use is: Township 41N, Range 03W, Section 4,
NE 1/4 of SE 1/4, Govt. Lot _____ BM, Parcel no. SAME
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):
See attached AFFIDAVIT and 3 supporting documents

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: 1

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) Esther J. Nowack Date: July 18, 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.

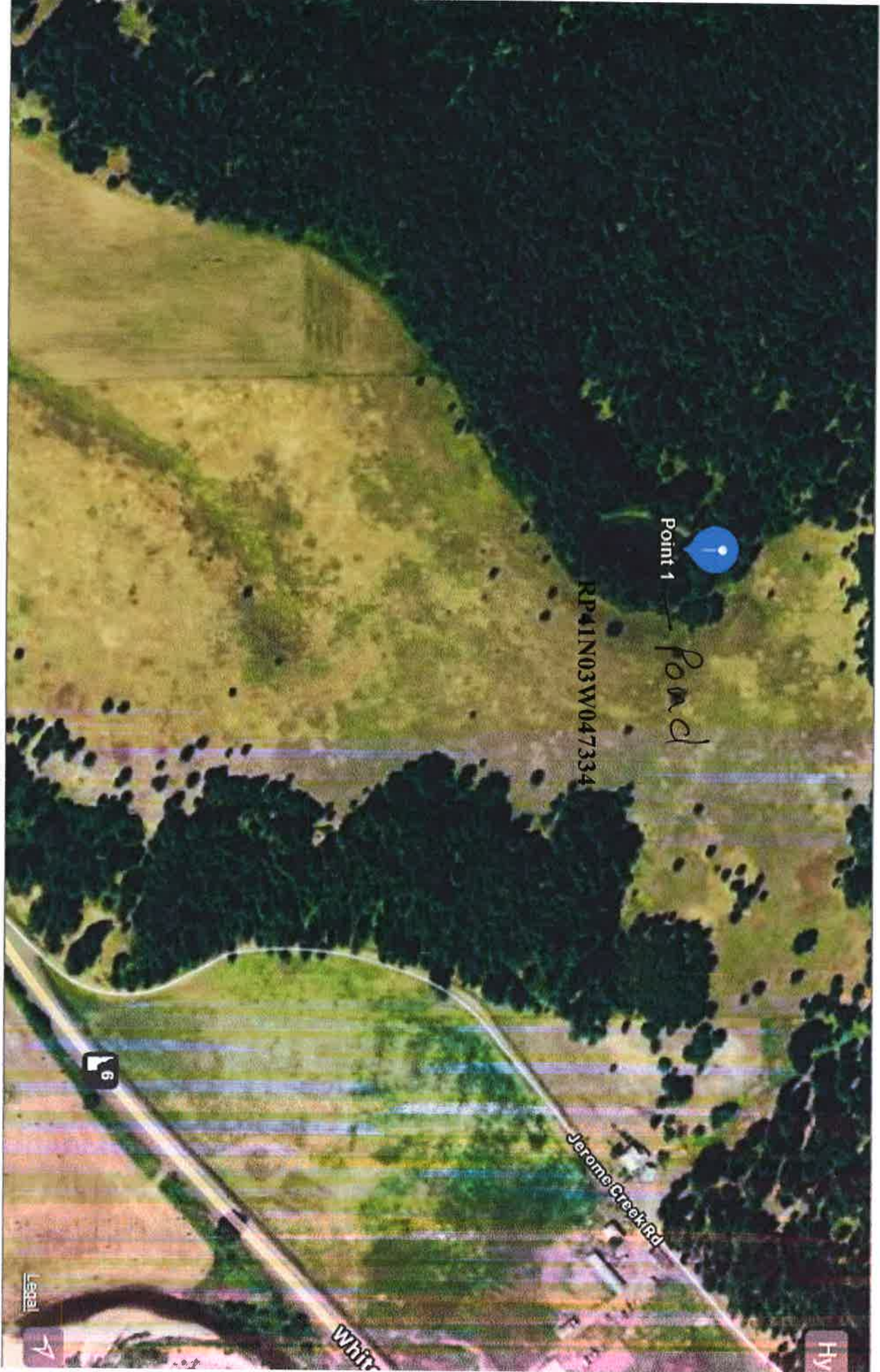
Signature _____ Date _____

Address _____

PRBA CLAIM SECTION 1 CONT.

RONALD O NOWACK AND/OR SANDRA K NOWACK

Location of a Point



Blue Marker

Center Red Marker

Show Point from Latitude and Longitude

Use this if you know the latitude and longitude coordinates of a point. The point is located at the intersection of the road and the field.

AFFIDAVIT

Gus W. Tietz was granted title to the following property:

33.00 acres of the Northeast Quarter Southeast Quarter (NESE) and the Southeast Quarter Southeast Quarter (SESE) of Section Four (4), Township Forty-one (41) North, Range Three (3) West Boise Meridian and the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Three (3) Township Forty-one (41) North, Range Three (3) West Boise Meridian.

by Quit Claim Deeds from his brothers: Arthur A. Tietz and William F. Tietz July 30, 1981 (attached).

Gus W. Tietz continued to farm the land and the pond was used to water livestock. Esther J. Nowack inherited the land from Gus W. Tietz June 16, 1998 by Deed of Distribution (attached). The land is still farmed and the pond is used to water livestock.

Esther J. Nowack July 18, 2019
Esther J. Nowack Date

STATE OF IDAHO, County of Latah, ss.

On this 18 day of July, 2019, before me the undersigned, a Notary Public for Idaho, personally appeared ESTHER J. NOWACK, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

AS WITNESS, I sign my name and place my official seal.



Carissa Orr
Notary Public for Idaho
Residing at: Princeton, ID
My commission expires: 12-10-24

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by Esther J. Nowack, of Potlatch, Idaho, Personal Representative of the Estate of Gustav W. Tietz, deceased, **Grantor**, to Esther J. Nowack, a widowed person, as her sole and separate property, **Grantee**, whose address is 1020 S. Nowack Lane, Potlatch, Idaho 83855.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case Number SP-97-00397, in the Magistrate Division of the Second Judicial District Court in and for Latah County, Idaho; and whose Letters Testamentary were recorded on December 29, 1997, as Instrument No. 432223, records of Latah County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the herein-after described real property by order of the Court dated June 8, 1998.

THEREFORE, for valuable consideration received, Grantor grants, conveys and releases to Grantee, Esther J. Nowack, a widowed person, as her sole and separate property, real property located in Latah County, Idaho:

33.00 acres of the Northeast Quarter Southeast Quarter (NESE) and the Southeast Quarter Southeast Quarter (SESE) of Section Four (4), Township Forty-one (41) North, Range Three (3) West Boise Meridian and the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3) Township Forty-one (41) North, Range Three (3) West Boise Meridian.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

EXECUTED this 16th day of June, 1998.

Esther J. Nowack
Esther J. Nowack,
Personal Representative

STATE OF IDAHO, County of Latah, ss.

On this 16 day of June, 1998, before me the undersigned, a Notary Public for Idaho, personally appeared ESTHER J. NOWACK, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that as Personal Representative of the estate of Gustav W. Tietz, she executed the same.

AS WITNESS, I sign my name and place my official seal.

Kathleen Hardcastle

Notary Public for Idaho

Residing at: Moscow, Idaho

My commission expires: 9-20-03

435866

NO.

AT THE REQUEST OF:

Kathleen Hardcastle

DATE & HOUR:

10-16-98 4:33

BUSAN PETERSEN

LATAH COUNTY RECORDER

FEE \$ 6.00 BY S. Chapman

m/ 101 S. Washington

#5
Moscow 10 83843

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE

-2

QUITCLAIM DEED

GRANTORS, ARTHUR A. TIETZ and FRIEDA TIETZ, husband and wife, of Harvard, Latah County, Idaho, in consideration of the sum of ONE DOLLAR (\$1.00) and other things of value, do hereby remise, release and forever QUITCLAIM unto GUS W. TIETZ, Grantee, of Star Route, Harvard, Idaho, the following described real property situated in Latah County, State of Idaho, to-wit:

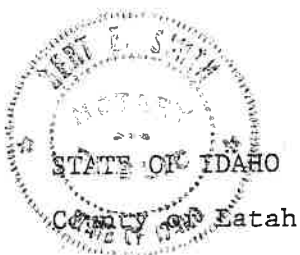
East one-half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Four (4), Township Forty-one (41) North, Range Three (3) West Boise Meridian and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3) Township Forty-one (41) North, Range Three (3) West Boise Meridian.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

As witness, the said GRANTORS do hereby set their hands this 30th day of July, 1981.

Arthur A. Tietz
Arthur A. Tietz

Frieda Tietz
Frieda Tietz



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)
)
ss.

On this 30th day of July, 1981, before me the undersigned, a Notary Public for Idaho, personally appeared ARTHUR A. TIETZ and FRIEDA TIETZ, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

AS WITNESS, I set my hand and my official seal.

Bert E. Smith
Notary Public for Idaho,
Residing in Latah County, therein.

QUITCLAIM DEED

GRANTOR, WILLIAM F. TIETZ, a single person, of Harvard, Idaho, in consideration of the sum of ONE DOLLAR (\$1.00) and other things of value, does hereby remise, release and forever QUITCLAIM unto ARTHUR A. TIETZ and FREIDA TIETZ, husband and wife, and GUS W. TIETZ, Grantees, of Star Route, Harvard, Idaho, the following described real property situated in Latah County, State of Idaho, to-wit:

The East One-half ($\frac{1}{2}$) of the South East Quarter ($SE\frac{1}{4}$) of Section Four (4), Township Forty-one (41) North, Range Three (3) West Boise Meridian, and the Southwest Quarter ($SW\frac{1}{4}$) of Section Three (3), Township Forty-one (41) North, Range Three (3) West Boise Meridian.

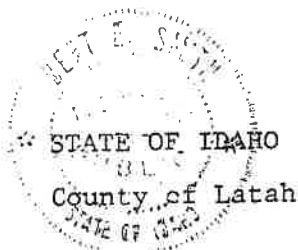
EXCEPTING those parts deeded to the North Latah Highway District as set out in instruments recorded under Recorder's Fee No. 279621 and No. 2693302.

EXCEPTING that part deeded to Jack and Donna Hash as set out in instrument recorded under Recorder's Fee No. 306767.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

As witness, the said GRANTOR does hereby set his hand this 30th day of July, 1981.

William F. Tietz
William F. Tietz



)
) ss.
)

On this 30th day of July, 1981, before me the undersigned, a Notary Public for Idaho, personally appeared WILLIAM F. TIETZ, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

AS WITNESS, I set my hand and my official seal.

Bert E. Smith
Notary Public for Idaho,
Residing in Latah County.