

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: 87-11286

Date Received: 7/1/2019

Receipt No: N035127

Claim Fee: \$61.00 By: NS

RECEIVED

JUL 01 2019

IDWR/NORTHERN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) THOMAS F TRAIL & JO ANN S TRAIL FAMILY TRUST Phone (208) 882-6077
Mailing address 1375 MOUNTAIN VIEW RD MOSCOW ID 83843
Street or Box City State Zip
Email address (optional) _____
2. Date of priority: (Only one per claim) JUNE 1957 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) PARADISE CREEK
which is tributary to (b) PALOUSE RIVER
4. a. Location of point of diversion is: Township 39N, Range 05W, Section 9,
NW 1/4 of NE 1/4, Govt. Lot _____, BM, County of LATAH
Parcel no. RPM00000090750
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.
2 HP PUMP IN CREEK WITH 3" PIPELINE RUNNING WEST ALONG ROAD BEFORE PASSING NORTH
BELOW ROAD AND INTO SOUTH END OF POND

6. Water is claimed for the following purposes:

		(dates are inclusive MM-DD)		(cfs)	(acre-feet)
For	<u>IRRIGATION STORAGE</u>	purposes from	<u>1/1</u> to <u>12/31</u>	amount _____	or <u>1.5</u>
For	<u>IRRIGATION FROM STORAGE</u>	purposes from	<u>3/15</u> to <u>10/31</u>	amount _____	or <u>1.5</u>
For	<u>AETHSETIC & REC STORAGE</u>	purposes from	<u>1/1</u> to <u>12/31</u>	amount _____	or <u>8.7</u>
For	<u>DIVERSION TO STORAGE</u>	purposes from	<u>1/1</u> to <u>12/31</u>	amount <u>0.03</u>	or _____

7. Total quantity claimed (a) 0.03 (cfs) and/or (b) 10.2 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

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.

[illegible]

Parcel no(s). RP39N05W046923 Total number of acres irrigated 0.5

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 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.

POND IS ALSO FILLED BY GROUNDWATER THROUGH DRAINAGE TILES or None ()

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

APPROXIMATE DATE WHEN PUMP WAS FIRST UTILIZED TO SUPPLIMENT POND LEVELS FROM

PARADISE CREEK.

Name of claimant(s) THOMAS F TRAIL & JO ANN S TRAIL FAMILY TRUST

Claim ID _____

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The pattern is uniform across the entire grid.

Claim ID _____

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: 11

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: _____

_____ 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

Trustee of Jo Ann and Thomas Trail Trust
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 Thomas F Trail Date 7-1-19

Printed Name of Authorized Agent Thomas F Trail

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.

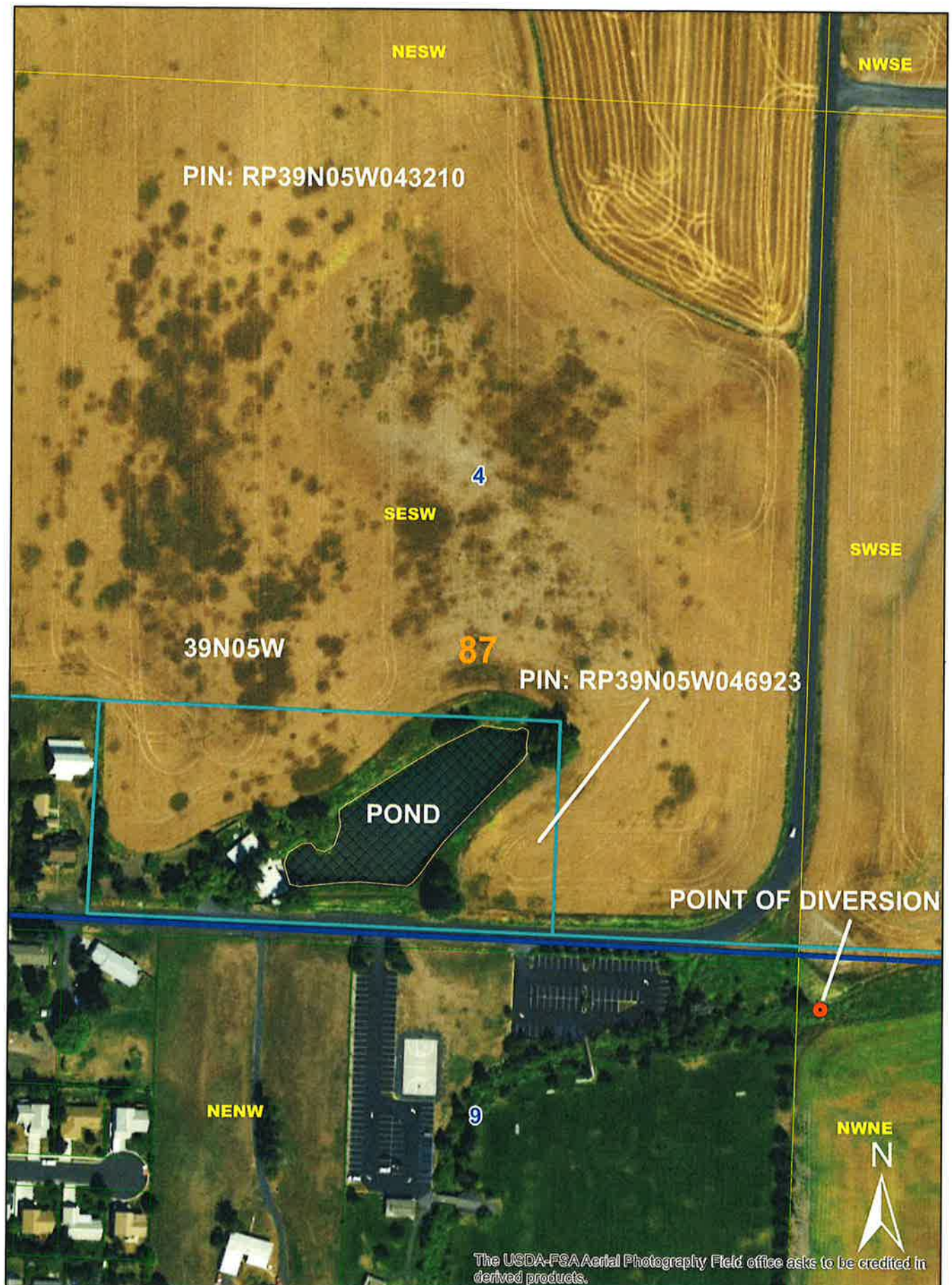
Signature _____ Date _____

Address _____

Name of claimant(s) THOMAS F TRAIL & JO ANN S TRAIL FAMILY TRUST

Claim ID _____

PARCEL LOCATION OF PRBA CLAIM



Total Storage Calculations

FILE NUMBER	XX-XXXXX
REVIEWER	Evan Roda
DATE	7/1/2019

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.)	1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6.4	"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)	6.4	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)	1.5	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)	1.1	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	1.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	10.2	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.

June 26, 2019

To: Idaho Department of Water Resources

From: Susan Jo Trail

A handwritten signature in cursive script, appearing to read "Susan Jo Trail".

Subj: Statement Concerning the Trail Pond

I watched my father, Floyd W. Trail, build the Trail pond in 1950. He and my brothers, Dave, and Tom helped him with the Soil Conservation Service to lay more than 5,000 feet of tile from springs in a nearby field to the pond. We used the pond for fishing, boating, recreation, wildlife—geese, ducks, swans, and quail and pheasants all abounded around the pond. We also have had deer and moose utilize the pond.

My mother used the pond water to irrigate her flower bed and a small garden. In 1957 a very dry year Dad hooked up a very long hose and connected it to Paradise Creek and pumped some water into the pond. Our house was built on one corner of the pond in 1963.

It has been a great pond to use for the family.

8 5

4 T39N, R5W B2M

320'

Foy

216.2' 1.66 Ac
1.52 less road

222.0'

320'

Tom Trail

51.47 Ac
5.10 less road

719.2

725'

F. Trail farm →



330'

F. Trail

2.87 Ac

Tile line
overflow
from
Pond

EXCESS FLOW
to creek

Iron post at
End of tile

720'

Must retain ownership to
at least 6' south of tile line as
indicated by straight line between
inlet & outlet

5 1/4 corner of S4 T39N, R5W B2M
Marker on Large post

← F. Trail farm ↓ →

From SW corner S4 T39N, R5W
Frank's Pond 8-26-60 a long 1/2 mile 2666.1

325801

EASEMENT

THIS INDENTURE, made the 3rd day of January, 1983, between the City of Moscow, a Municipal Corporation of Idaho, Grantor, and Thomas F. Trail and Joann S. Trail, husband and wife, Grantees.

WHEREAS, the Grantor is the owner of a parcel of property, a portion of which is described in this document and which is set forth on the site plan annexed hereto; and,

WHEREAS, the Grantor has agreed to provide Grantees with an Easement for purposes of an underground private waterline and electric power line;

WITNESSETH, that in consideration for the sum of One Dollar (\$1.00) paid by the Grantee to the Grantor, receipt of which is acknowledged, the Grantor hereby grants unto the Grantees, their heirs and assignees an underground utility easement described as follows:

An easement located in the Northwest quarter (NW $\frac{1}{4}$) of Section Nine (9), Township thirty-nine (39) North, Range Five (5) West, Boise Meridian, Latah County, Idaho, more particularly described as follows:

Beginning at a point S 89° 09' 47" E 30.0 feet and S 0° 20' 44" E 14.5 feet of the North 1/4 corner of Section 9, T. 39N., R. 5 W., B.M.; thence S 0° 20' 44" E 10.0 feet to a point N 0° 20' 44" W 3.5 feet of the South right-of-way line of Mt. View Road; thence N 89° 09' 47" W 691.74 feet, parallel to said South right-of-way line, to a point North 3.5 feet of the Northwest corner of the Northeast Moscow City Park; thence North 10.0 feet; thence S 89° 09' 47" E 691.68 feet, parallel to the South right-of-way of Mt. View Road, to the point of beginning.

I. The parties agree that Grantee's use of the premises shall not interfere with the public use of the property except for the purpose of construction or repair, after which Grantee shall restore the property to it's former condition.

II. Should the Grantee's use of the premises be discontinued for a period of two consecutive years, the Grantee's right to said easement shall terminate. The Grantees agree that upon construction of a waterline within the boundaries of the above described easement, that any other claim of easement they may have in the vicinity or on adjacent property owned by the Grantor is expressly abandoned.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first set forth above, the Grantor executing this agreement by and through it's duly authorized Mayor and City Clerk.

Mayor

City Clerk

Thomas F. Trail

Joann S. Trail



Trail
Pond
1951-52



Fall 1923





Trails' Home - Moscow, ID

[Handwritten signature]

Trail House
from East
Pond Bank

Date: November 20, 2015 at 12:24 PM
To: Trail Tom thomastrail@gmail.com



Trail Pond
connection to Creek



Pump
connection
to
creek

From: **Tom Trall** thomastrail@gmail.com
Subject: **Outlet**
Date: **March 13, 2017 at 3:38 PM**
To: **Cell Tom** thomastrail@gmail.com



Sent from my iPhone

outflow from
Trail Pond