

**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**

RECEIVED

JUL 25 2019

IDWR/NORTHERN

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

CIVIL CASE NUMBER: 59576

Claim ID: 87-11351

Date Received: 7-25-2019

Receipt No: N035256

Claim Fee: \$25.00 By: JD

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 Zip 83855
Street or Box City State
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) PALOUSE RIVER
which is tributary to (b) SNAKE RIVER
4. a. Location of point of diversion is: Township _____, Range _____, Section _____,
_____ 1/4 of _____ 1/4, Govt. Lot _____, BM, County of _____
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township 41N, Range 03W, Section 3, SW 1/4 of SW 1/4,
Govt. Lot _____, BM, County of LATAH
Ending point is: Township 41N, Range 03W, Section 3, SW 1/4 of SW 1/4,
Govt. Lot _____, BM, County of LATAH
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.
IN-STREAM STOCK WATER

SCANNED

AUG 05 2019

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 _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) IN-STREAM STOCKWATER FOR UP TO 50 HEAD MIXED STOCK

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	
41N	03W	3											S						

Parcel no(s). RP41N03W036013

Total number of acres irrigated _____

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.

_____ or None (☒)

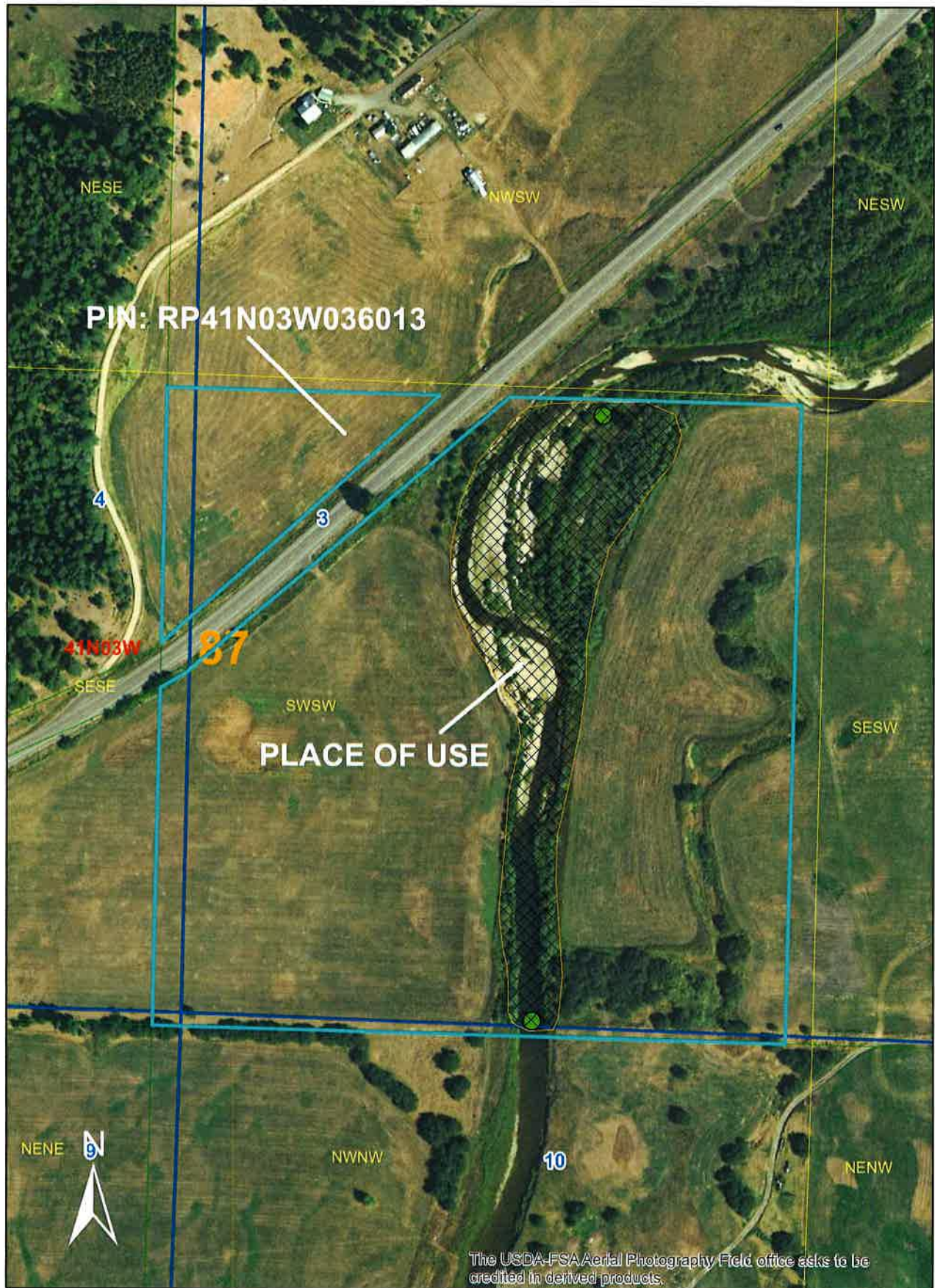
13. Remarks (Include an explanation of the priority date selected):

See attached AFFIDAVIT and 3 supporting documents

PRBA CLAIM SECTION 1 CONT.

RONALD O NOWACK AND/OR SANDRA K NOWACK

PARCEL LOCATION FOR PRBA CLAIM



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 river 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 river is used to water livestock.

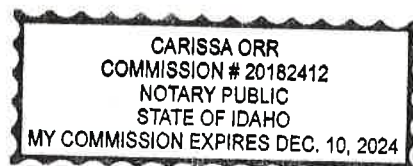
Esther J. Nowack
Esther J. Nowack

July 18, 2019
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. 435866
AT THE REQUEST OF:
Kathleen Hardcastle
DATE & HOUR:
6-16-98 4:33
BUSAN PETERSEN
LATAH COUNTY RECORDER
FEE \$ 6.00 BY E. Chapman
m/ 101 S. Washington
#5
Moscow 10 83843

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE -2

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.

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



)
)
) 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.