

# 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: 87-11817

Date Received: 8-26-2019

Receipt No: N035470

Claim Fee: 25.00 By: SL

RECEIVED

AUG 26 2019

## 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

IDWR / NORTH

Please type or print clearly

1. Name of claimant(s) MARK KIMSEY Phone (208) 875-1675  
Mailing address Post Office Box 180 PRINCETON, Idaho Zip 83857  
Street or Box City State  
Email address (optional) NONE

2. Date of priority: (Only one per claim) January 1st, 1932 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY) Did my best

3. Source of water supply (Check one) Ground Water (X) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. Location of point of diversion is: Township T40N, Range R4W, Section S3,  
NE 1/4 of NE 1/4, or Govt. Lot 1 BM, County of LATAH;  
Parcel no. RP40N04W030015A

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.

PLEASE See 3 pages of Attachments for Descriptions of old (very) LOG CABIN Pump House still in use to this very day.

6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For DOMESTIC purposes from 01/01 to 12/31 amount .01 est. cfs ( ) or AFY ( )  
For Stock purposes from 01/01 to 12/31 amount .01 est.

7. Total quantity claimed 0.02 cfs ( ) or AFY (X)

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

ONE SMALL ONE BEDROOM Home; Currently three Sheep; Capacity for thirty sheep or three cow/calf/one Bull combinations. Sometimes own two Donkeys AND OR Pony. Hen House has Fifty head Capacity for chickens. Sometimes have two geese and two Ducks.

9. Location of place of use is: Township T40N, Range R4W, Section S3,

NE 1/4 of NE 1/4, Govt. Lot 1 BM, Parcel no. \_\_\_\_\_

If different than shown in Item 4

for (check one) Domestic ( ) Stock ( ) Domestic and Stock (X)

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.

My WARRANTY DEED includes the conveyance of All the Water, or None ( )  
+ timber, and mineral rights of the Grantor.

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

See Attachments for January 1, 1932. The Old Log Cabin Pump House  
has been in continuous use and possibly is the first historic use of water  
for beneficial purposes that I am aware of.

14. Basis of claim (check one) Beneficial Use (X) 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 (X) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Form 421409-2 - 2 pages / 1 page front + back  
5 total 2 pages of photos Explanations to Quigley #1's  
2/5/13

**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) Mark Kimsey Date: August 22, 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) MARK KIMSEY Claim ID \_\_\_\_\_

Question #2 Date of Priority - Best Estimate Answer:  
JANUARY 1<sup>st</sup>, 1932

Question #5 Description of Diverting Works

Answer: Still using as originally constructed the very old LOG CABIN PUMP HOUSE (8x8x10) AND water system AS it was intact when I Purchased the property AS is. The Log cabin uses two eight foot Deep wells, ONE 3x3x8' approx. AND one 8x8x8' approx. Replaced in the early 1990's, two Rotting power poles, the Rotting well roof, <sup>thirty-</sup>approx. feet of pipe was replaced and Put A New metal Roof over the Log cabin Shingles. Also insulated the pump house as we have had -25° in the winter. Installed A 220 volt 50 amp circuit breaker box in Pump house with two smaller water tanks using two replacement shallow well pumps - AS the old ones wore out - still using 3/4 HP (with a 1hp submersible as a backup - not installed). Water pumps directly from Log Cabin pump House to two water tanks in basement which replaced a tank that had NO AIR bladder - about 100-150'. Need to replace two <sup>bottom</sup> windows of Rotting Logs on cabin - but am facing 2 or 3 surgeries, so must put it off for a while.

Question #13 Remarks

Answer: The old Log cabin pump house may be the first historic use of beneficial water rights at this location. IF my memory is correct, the last surviving son (now deceased) of F.W.W. IAN <sup>AND</sup> KOREA was mentioned his brothers Deaths in Austair AN KOREA and how AS young boys their Father had bought → ( MARK KIMSEY )

the property in either the Late 1920's or early 1930's. They had a trap line clear across the face of the mountain. The surviving son was born in 1922 if my memory is correct. I thought he mentioned he was eight yrs old - I may be wrong - but no older than twelve for sure. His <sup>grand</sup>mother was also a Native American I was told. My best estimate would be January 1st, 1932. That would allow him to be ten years old with brothers older than he - who lost their lives in the wars. It could have been 1930, but I can no longer remember any more than this.

On my side of this history, my Great Grandma and grand ma and Aunt came down the Montana Bitterroot Valley in a covered wagon to Fort Boise. My Grandpa was born on the farm near Weiser in the Late 1860's just off the Oregon Trail. Grandpa Brooke took the N.P. track over the Rockies and met up with Grandma at Fort Yakima. My Grandpa was helped into the saddle to make the last two cattle drives from Fort Boise to Oregon City (and where some Kimseys came across the Oregon Trail to settle near Salem and First Grove) and Fort Yakima. On the way to the Willamette Valley in Oregon, Cousin John Kimsey heard of the Deaths of Marcus and Narcissa Whitman near Fort Walla Walla. I spent my time between Priest Lake and Lewiston. It was a time of hand dug wells, Kerosene lanterns and one room school houses. Our kinfolk stretched from Boise area to Sandpoint at one time.

I sure hope that you can save my warranty deed water right. It would mean a great deal and of help to me. Thank you for your help in this matter.

Sincerely yours,  
Mark Kimsey

PAGE 5  
MAK  
KIMSEY



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