

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: 87-11826Date Received: 8-28-19Receipt No: N035484Claim Fee: 2500 By: JG

RECEIVED

AUG 28 2019

IDWR / NORTH

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) LARRY W AND DELORES F ROSS Phone (208) 875-1127
 Mailing address 1671 DEEP CREEK ROAD POTLATCH IDAHO Zip 83855
Street or Box City State
 Email address (optional) _____
2. Date of priority: (Only one per claim) 07/24/2007 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
 which is tributary to (b) _____
4. Location of point of diversion is: Township 43N, Range 04W, Section 31,
SW 1/4 of NE 1/4, or Govt. Lot _____ BM, County of LATAH;
 Parcel no. RP 43N04W311041 A
 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.
DRILLED AND FINISHED 7/24/2007. PERMIT #D0053793. 225 FEET DEEP.
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For _____	Month/Day	Month/Day	cfs () or AFY ()
<u>DOMESTIC</u> purposes from	<u>01/31</u>	to <u>12/31</u>	amount <u>5 gpm</u>
For _____ purposes from _____		to _____	amount _____
7. Total quantity claimed 5 gpm cfs () or AFY ()
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
ONE HOME.

9. Location of place of use is: Township 43N, Range 04W, Section 31,
SW 1/4 of NE 1/4, Govt. Lot _____ BM, Parcel no. RP43N04W311041
for (check one) **Domestic** (✓) **Stock** () **Domestic and Stock** ()
If different than shown in Item 4

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.
ORIGINAL HAND DUG HOME WELL (CIRCA 1919) STILL IN USE FOR HOME. or None ()

13. Remarks (include an explanation of the priority date selected):
SEE ENCLOSED WELL DRILLERS REPORT

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) _____ Date: AUGUST 16, 2019
_____ Date: AUGUST 16, 2019

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) LARRY W AND DELORES F ROSS Claim ID _____

TO: Idaho Department of Water Resources
7600 Mineral Dr. Suite 100
Coeur d'Alene, Idaho 83815

From: Larry and Dee Ross
1671 Deep Creek Road
Potlatch, Idaho 83855

Subject: Adjudication Palouse River Basin

RE: Latah County Parcel # RP43N04W311041 A (re: **subject parcel**)

Enclosed are two (2) completed 42-1409-2 (5/17) Notice of Claim forms for the existing water sources on the **subject parcel** in Latah County, Idaho. One form is for our primary domestic water source and the other is for two wells that were hand dug prior to 1915 and which are still in use.

One hand dug well was the original domestic water source and still functions as a backup water source for the house. The other hand dug well is the original stock water source. It is in daily use today as a stock water source.

These two (2) completed 42-1409-2 (5/17) Notice of Claim forms are submitted in compliance with the general adjudication of water rights within the Palouse River Basin.

Enclosed per your instructions pursuant to two conversations with your office concerning the adjudication are two (2) checks for the amount of \$25.00. One is for the well drilled in 2007 (Well Tag D0053793) and the other for the two hand dug wells.

Attached and enclosed with the completed 42-1409-2 (5/17) Notice of Claim for the 2007 well is the Idaho Department of Water Resources WELL DRILLERS REPORT for your records.

Attached and enclosed with the completed 42-1409-2 (5/17) Notice of Claim for the two hand dug wells is an affidavit from Virginia Soncarty, surviving relative of Ed Soncarty, who purchased a home and outbuildings on the **subject parcel** (Parcel #RP43N04W311041 A) prior to 1914. Mrs. Soncarty's affidavit includes a number of enclosures which clearly establishes the date of the two hand dug wells prior to 1914.

Mrs. Soncarty's affidavit is included per instructions from your office requiring proof of the date when the two hand dug wells were first established and in use.

Mrs. Soncarty's affidavit and enclosures are self explanatory, but, for clarity, the following is a brief description of what her affidavit states

First, I would state that history of the **subject parcel** set forth in Mrs. Soncarty's affidavit and enclosures is consistent with what Mrs. Soncarty's husband, Norman Soncarty (now diseased), related to us when we purchased it from Lowell Soncarty's estate in 2000 (Norman was the youngest son of Ed and Ida Soncarty's two sons. Lowell was the eldest.).

AFFIDAVIT

Mrs. Soncarty's Affidavit indicates that Ed Soncarty arrived in this area prior to 1909 with a newspaper clipping from the Moscow newspaper showing he purchased property immediately adjacent to the **subject parcel** in 1909. The Affidavit states and gives proof that Ed Soncarty purchased the **subject parcel** prior to 1914 from Mary and Jasper Kidwell and that the Kidwells had patented the subject parcel in to private ownership in 1905 (See Enclosures 5, 5A and 6). At the time that Ed Soncarty purchased the **subject parcel** the Kidwells had already developed a working farm which included a home and a significant number of outbuildings (See Enclosure 7).

Since the Affidavit clearly proves that Ed Soncarty owned the **subject parcel** in 1914, I have elected to apply for a 1914 date for the two existing hand dug wells on the Enclosed 42-1409-2 (5/17) Notice of Claim. I chose the 1914 date even though it is highly likely that they were dug and in use prior to that date.

GENERAL INFORMATION OF SUBJECT PARCEL

When we purchased the property in 2000, the hand dug well in SW1/4 of the NE1/4 was the sole domestic water source for our home so it had been in full-time use from the early 1900s until 2007. In 2007 we had a new well drilled to provide a more secure domestic water source. The hand dug well is still plumbed into our home and has been used twice in a backup capacity when the new well was down. I installed a new jet pump and new pressure tank in 2009 or 10 to make it immediately usable when needed as a backup domestic water source.

The hand dug stock well in NW1/4 of the NE ¼ was drilled to 100 feet at an unknown date and had a jet pump installed when we purchased the property in 2000. I installed a prefab building over the well and installed a submersible sometime prior to 2005. The stock well has been in constant use since we purchased the property in 2000 for our horses. Prior to that, it was, according to Norman Soncarty, in constant use as a water source for cattle which Lowell Soncarty grazed on his portion of the Soncarty land each inherited from Ida Soncarty at her passing.

I have enclosed Latah County Records from the Assessors Office which go back to 1919 for your records. When I told the Assessors Office of the history of this **subject parcel** going back to 1905 they conceded that although that was probably true, they had no records going back to that far for most county parcels.

Sincerely

LARRY W. ROSS

AUGUST 25, 2019

Enclosures: Two (2) completed 42-1409-2 (5/17) Notice of Claim forms
Virginia Soncarty's Affidavit and Enclosures
Latah County property Records for **Subject Parcel**
Two (2) Checks for \$25.00 each
Well Drillers Report for 2007 well

CC Personal Records

Idaho Residential Property Record
Inquiry

Parcel No RP 43N04W311041 A Sheet No 1 of 1

Use code **3176** Desc **MULTI-PURP SHED** Class Yr blt **1938** Base 100

Fnd Flr Roof Walls

Misc1 Misc2

Area Rate Lump sum 100 Remarks

LCM Quality Market

Other multipliers:

Use code **3182** Desc **GARAGE/DETACHED** Class **5** Yr blt Base 5,904

Fnd Flr Roof Walls

Misc1 Misc2

Area 960 Rate Lump sum 5,904 Remarks

LCM 1.35 Quality 1.00 Market 1.00

Other multipliers:

+

F2=Start F3=Exit F4=Inventory F12=Toggle

Idaho Residential Property Record
Inquiry

Parcel No RP 43N04W311041 A Sheet No 1 of 1

Use code 3221 Desc MULTI-PURP SHED Class Yr blt 1919 Base 400

Fnd Flr Roof Walls

Misc1 Misc2

Area Rate Lump sum 400 Remarks

LCM Quality Market

Other multipliers:

Use code 3232 Desc LOFT BARN Class Yr blt 1928 Base 900

Fnd Flr Roof Walls

Misc1 Misc2

Area 1,440 Rate Lump sum 900 Remarks

LCM Quality Market

Other multipliers:

+

F2=Start F3=Exit F4=Inventory F12=Toggle

IDAHO RESIDENTIAL PROPERTY RECORD
Inquiry

Screen 1

Parcel No RP 43N04W311041 A Sheet No 1 of 1
Property address 1671 DEEP CRK RD 83855
Other improvements only?
Inspected by AADS Date 12/19/2017 Review year 2018
Purchase price Date
Monthly rent Date
Multiple addresses/rents? N
Class 4 Manual used 3
Use code 3118 2005 Oregon Manual
No of units 1 Sketch stored
Market grade 3 Photo stored
Year built 1939 HO applies
Year remodeled Exempt sheet
Eff age/year / 1950 Prebuilt
Shape code B Building permit
Date occupied Under construction

Land data to view? Y

F2=Start F3=Exit F4=Inv F5=OI