

# 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: 87-11827

Date Received: 8-28-19

Receipt No: 0035483

Claim Fee: 2500 By: JCR

RECEIVED

AUG 28 2019

IDWR / NORTH

Please type or print clearly

## 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

- 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) \_\_\_\_\_
- Date of priority: (Only one per claim) 1915 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (✓) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_
- 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. RP43N04W311041 A  
Additional points of diversion, if any: STOCK WELL 43N, 04W S 31 - NW1/4 of NE1/4  
If available, GPS coordinates: \_\_\_\_\_
- 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.  
1st - HOUSE WELL - HAND DUG. JET PUMP. @28' DEEP. PIPELINE INTO HOUSE. 2nd - STOCK WELL -  
HAND DUG @ 30' DEEP DRILLED TO 100' (DATE UNKNOWN). SUBMERSIBLE.
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)  
For HOME BACK-UP SYSTEM purposes from 12/01 to 1/31 amount 5 gpm cfs ( ) or AFY ( )  
Month/Day Month/Day  
For STOCK WATER -DAILY USE purposes from 12/01 to 1/31 amount 5 gpm cfs ( ) or AFY ( )  
Month/Day Month/Day
- Total quantity claimed 10 gpm cfs ( ) or AFY ( )
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)  
ONE HOME AND LANDSCAPE SERVICED BY HOME WELL. THREE HORSES SERVED BY STOCK WELL

9. Location of place of use is: Township 43N, Range 04W, Section 31

SW1/4 1/4 of \_\_\_\_\_ 1/4, Govt. Lot NE1/4 BM, Parcel no. \_\_\_\_\_

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? \_\_\_\_\_

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 COVER LETTER AND ENCLOSED AFFIDAVIT BY VIRGINIA SONCARTY, SURVIVING RELATIVE OF  
OWNER WHO PURCHASED THIS PROPERTY IN 1915.

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: TWO

**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

\_\_\_\_\_ 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

To: Idaho Department of Water Resources - Northern Region  
7600 Mineral Dr, Suite 100  
Coeur d'Alene, Idaho 83815

RE: AFFIDAVIT OF VIRGINIA SONCARTY TO ESTABLISH THE DATE OF  
BENEFICIAL USE FOR TWO EXISTING HAND DUG WELLS ON PARCEL  
#RP43N04W311041, LATAH COUNTY, STATE OF IDAHO.

I, VIRGINIA SONCARTY, am the daughter-in-law to Ed and Ida Soncarty. Ed Soncarty purchased the subject property circa 1914. I married Norman Soncarty, son of Ed and Ida in 1956. We resided in Latah County, Idaho our entire married life. Our home is ½ mile across the field from the subject parcel.

The following is based on my first hand knowledge of the family's history, County records and other records that have been in the family for many years.

Ed Soncarty arrived as a bachelor in this area prior to 1909 where, along with George Teas he purchased the Harry Thompson property in 1909 (See attachment 1). This property became known as the Teas property. Eventually, Ed purchased George Teas half and the property became part of the Soncarty property. It abuts the subject parcel in Section 31. Norman and I inherited this property when Ida Soncarty passed away.

Sometime prior to 1914, Ed Soncarty purchased the land and the home and outbuildings of the subject parcel in the SW ¼ of the NE ¼ and the S ½ of the NW quarter of Section 31, T43N, R4W. I don't know the exact year he purchased it but we knew he purchased it prior to 1914 because Ed is shown as the owner of the subject parcel in an Atlas published in 1914 showing the land ownership within all of Latah County. As far as I know, this 1914 Atlas has been in the family since it's publication (See Enclosures 2, 3 and 4). What I do know is that Ed Soncarty purchased this land, home and outbuildings from Jasper and Mary Kidwell.

Jasper and Mary Kidwell show up as owners of the subject parcel having patented the land in 1905. This is shown on an even earlier ownership map which shows ownership and patent dates of property within Township 43N, Range 4W. This earlier map has a date of 1/16/07 (See enclosure 5A) and it has also been in the possession of our family for many years and was inserted as a loose page in the Atlas of 1914. (see enclosures 5, 5A and 6).

Enclosure 7 is a picture from my collection of family photos which shows Ed Soncarty standing in front of the home (and some of the outbuildings) when he purchased the subject parcel from the Kidwells. This picture was taken on or shortly after Ed purchased the property from the Kidwells prior to 1914. There is no date on this photo, but the family has always understood that this photo was taken at the time Ed purchased the property.

I do not recall the family ever discussing when the original home shown in Enclosure 7 was built prior to Ed purchasing.

Ed and Ida lived in the original home (shown in Enclosure 7) until the early 40's. In about 1938, Ed moved the original house to a location next to their new barn and began constructing a new house in

1939. The new home was complete enough for the family to live in by 1943. Ed sold the original house and it was moved off the property.

Larry and Dee Ross purchased the subject parcel from the Estate of my brother-in-law, Lowell Soncarty, who had inherited it from Ida's estate. The hand dug well to the south of the house was the only domestic water source for the house that I know of. The hand dug stock well that is located to the North of the barn was also in use for stock water as far back as I know for the work horses and the small dairy herd Ed and Ida had and, later, for range cattle and other livestock.

The purpose of asking me to give this Affidavit is to support the establishment the year the two hand dug wells were constructed. To that end, I state that it is my belief that two hand dug wells were constructed by the Kidwells prior to 1914 when Ed Soncarty purchasing the property..

In support of this statement can unequivocally state there was never any talk or reference whatsoever over the many years the wells were in use by the Soncarty family about Ed Soncarty having dug the wells. It has always been understood that they were dug by the Kidwells. Also, until the Ross's drilled the well in 2004, these two wells were the only source of domestic and stock water on the subject property.

The forgoing information is based on County records, other records which have been in our family for many years as well as my first hand knowledge of the history of the subject parcel.

Virginia Soncarty  
Virginia Soncarty

AUGUST 22, 2019

State of IDAHO, Latah County

State of Idaho

County of Latah

On this 22 day of August, 2019

personally appeared before me,

who is personally known to me,

whose identity I verified on the basis of Idaho DL

whose identity I verified on the oath/affirmation of Dee Dee Marx

a credible witness, I

to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.

Dee Dee Marx  
Notary Public

My Commission Expires on

Nov 14, 2023

**MORTGAGES.**

- 6 John Backstrom to W. W. Trumbull, \$1000 same as No. 4.
- 7 Willis W. Davis and wife to M. C. Martin, \$200, same as No. 1.
- 8 Bank of Troy to John Backstrom,

**MISCELLANEOUS.**

release mortgage on same as No. 4.

**Thursday, April 29, 1909.**

**DEEDS.**

- 1 Harry Thompson to George H. Teas and Edward Soncarty, \$2000. e 1-2 ne 1-4, w 1-2 sw 1-4, lot 1. Ses. 2-43-4.
- 2 Edward Dugan to G. R. Lawrence, \$1, lots 5 and 6, Blk. 3, Helmer.
- 3 B. T. Byrns to David & Ely Co., \$800, part of lot 6, Blk. 3, Moscow Idaho.
- 4 Bayard T. Byrns and wife to D. J. Akridge, \$8000, s 1-2 ne 1-4, n 1-2 se 1-4, 3-39-5, except 4.52 acres.
- 5 J. W. Shields and wife to Upper Columbia Mission Society of Seventh Day Adventists, \$1300, nw 1-4 se 1-4, w 1-2 sw 1-4 ne 1-4, w 1-2 se 1-4 nw 1-4, 5-40-5.
- 6 Elizabeth R. Daily et al to Geo Ezra Langdon, \$1024, e 1-2 sw 1-4 and south 20 acres of se 1-4 nw 1-4 4-40-5.
- 7 Colben Swenson to Molly Swenson, \$1, lots 9 and 10, Blk. 3, Helmer.

From  
Moscow  
Newspaper.

Soncarty  
family  
records

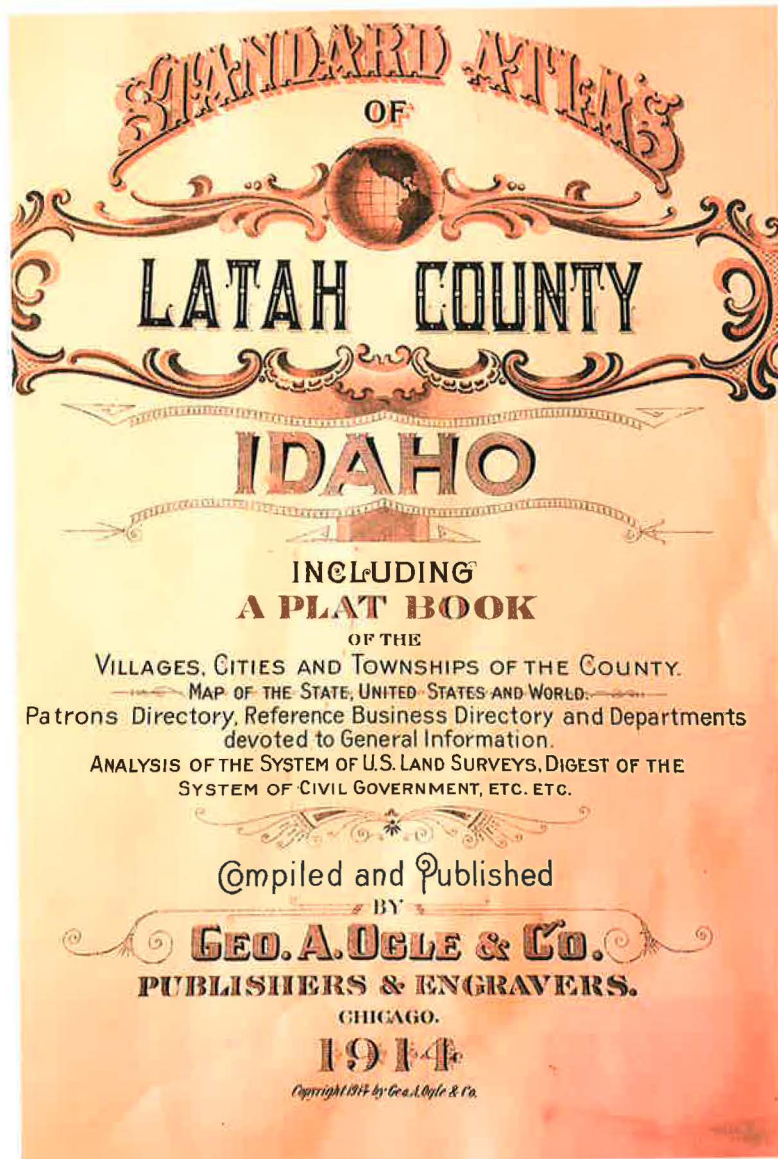
Showing  
that Ed  
Soncarty  
purchased  
Property  
Adjacent to  
the subject

Parcel in  
1909.

# Enclosure 2

Copy of cover  
Page of the  
1914 ATLAS

Soncarty  
family  
Records



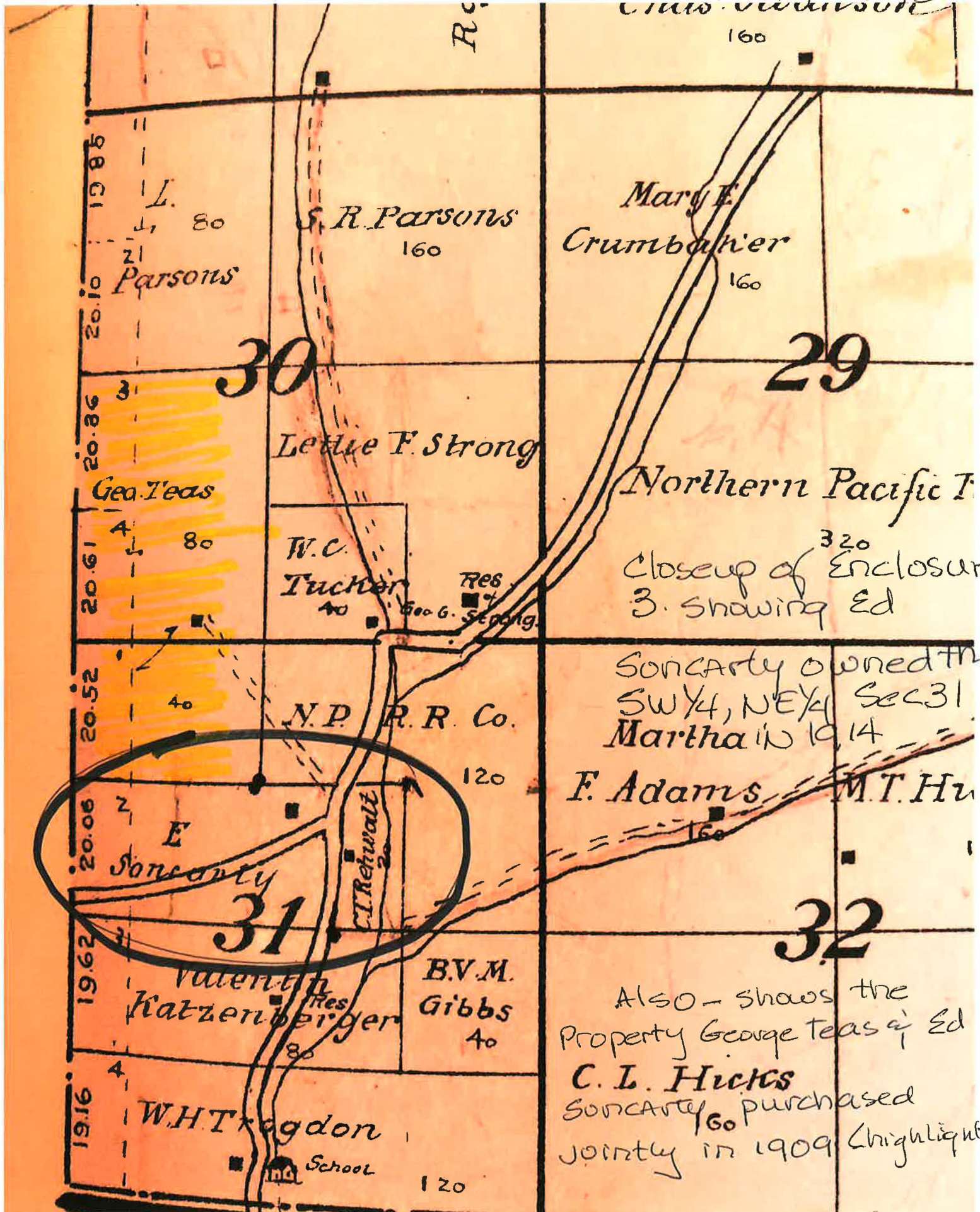
# Enclosure 3

Page from 1914 ATLAS  
Showing the subject  
Parcel (circled).



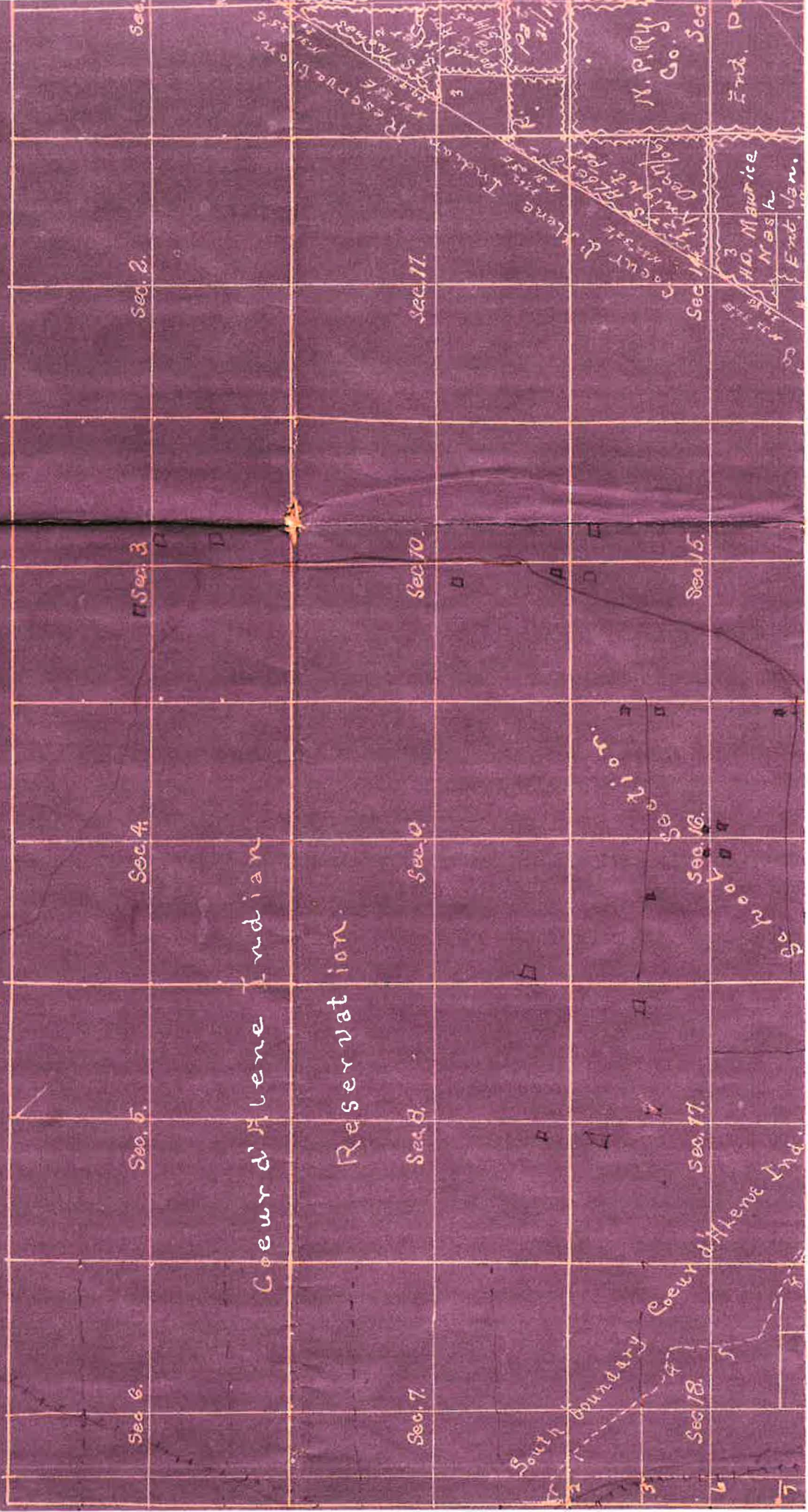
# Enclosure 4

From 1914 ATLAS  
T43N, R4W, BM



Township No. 43. North Range No. 4. West of B.M.

All in Forest Reserve except Indian Reservation.



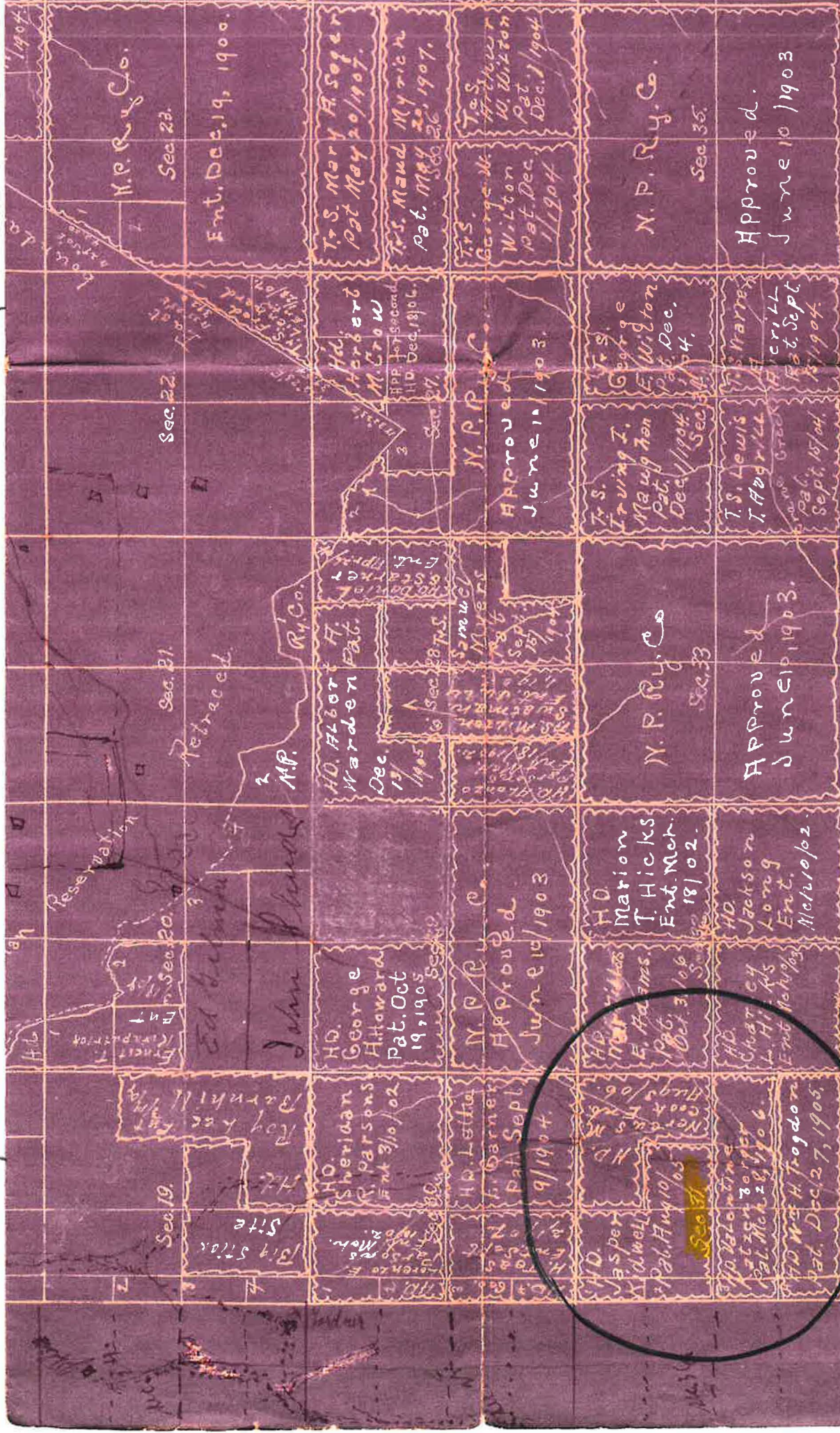
Enclosure 5

From Soncarty family records  
Dated 1/10/07 (see Enclosure 5A)



from Soncrafty family  
records  
Plot map dated 1/16/07

from Soncrafty family  
records  
Plat map dated 1/16/07



## Enclosure 7

From Soncarty family  
Album.  
This photo shows Ed  
Soncarty (circled) standing  
in view of the home &  
some of the outbuilds he  
purchased from Jasper and  
Mary Kidwell.

