

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

DEC 16 2019

IDWR / NORTH

CIVIL CASE NUMBER: 59576

Claim ID: 87-11975

Date Received: 12-16-19

Receipt No: N035823

Claim Fee: \$25.00 By: NS

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) Steven Potratz Ellen Potratz Phone (208) 310 1407

Mailing address 2949 Clyde Rd Moscow Id Zip 83843
Street or Box City State

Email address (optional) potratz6@msw.com

2. Date of priority: (Only one per claim) _____ (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 39N, Range 5W, Section 30,
NE 1/4 of SW 1/4, or Govt. Lot _____ BM, County of Latah;

Parcel no. RP39N05W301657

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.

Well, no drilling date, casing installed 1957
Part of water right 87-7022

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

For DOMESTIC purposes from Jan/1 to Dec/31 amount 0.04 cfs (☒) or AFY ()
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 cfs (☒) or AFY ()

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

1 HOME

9. Location of place of use is: Township 39, Range 5W, Section 30,
NE 1/4 of SW 1/4, Govt. Lot _____ 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? 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.
backup well used as auxiliary source or None ☐

13. Remarks (include an explanation of the priority date selected):
Auxiliary source listed in water right #7-7022 is
claimed for auxiliary use & lawn irrigation if there are problems
see attached water right document

14. Basis of claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☐ item #8 pg 4
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: 4 pages of previous water right
current

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) [Signature] Date: Dec 5, 2019
Ellen M Potrat Date: Dec 5, 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) _____ Claim ID _____

Identification No. 87-7022

Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriation the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant James R. Lucas Phone: 882-7374
post office address Route 1, Box 118, Moscow, Idaho 83843
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 39N
Range 5W B.M. Latah County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.20 for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Piped from well to house, 4 small
apartments, and 24 mobile homes.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 8 inches; proposed depth of well is 385 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years
b. Estimated construction cost is \$ 5,000.00
8. Description of proposed uses:
a. If water is not for irrigation: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ &
(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 39N
Range 5W B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered 120 head

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 29.
(5) If water is to be used for other purposes describe: Residential use and connected lawn
irrigation.

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated.

c. Describe any other water rights used for the same purposes as described above. There is a small well also on the property used for auxillary source. No drilling date. New cylinder installed 4-30-87.

- 9 a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

10. Remarks Completed well used for the described purposes in 1964.

potratz6@msn.com

From: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Sent: Tuesday, September 24, 2019 8:46 AM
To: STEVEN POTRATZ
Subject: RE: Water Right No. 87-7022

Follow Up Flag: Follow up
Flag Status: Flagged

Steve,

A claim was file for Water Right License 87-7022 by Aaron Schlueter in his name as well as Woodland Heights Mobile Home Park, LLC. The entirety of the water right was claimed as originally licensed. Currently, I see no claim filed for the older well in that location. If that older well is still in use, than a beneficial use claim can certainly be filed for it for whatever uses remain.

Regards,

Evan

From: STEVEN POTRATZ [mailto:potratz6@msn.com]
Sent: Monday, September 23, 2019 6:01 PM
To: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Subject: RE: Water Right No. 87-7022

Evan,

I understood that Aaron filled the claim for this. Is that all that is required or do I file a similar claim for the same source? What about the auxiliary well noted?

Steve Potratz

FETS

*A Mechanical Engineering and
Facilities Support Company*

Facilities Engineering and Technical Services, PLLC
2949 Clyde Road
Moscow, Idaho 83843
208 310 1407 potratz6@msn.com

From: Roda, Evan <Evan.Roda@idwr.idaho.gov>
Sent: Thursday, June 20, 2019 12:11 PM
To: STEVEN POTRATZ <potratz6@msn.com>
Subject: RE: Water Right No. 87-7022

Steve,

I am unaware of all the particulars in the history of this water system, but it is my understanding that the smaller well was never a strong water producer. It's possible that once the new well was made available to them that they chose to make that well their primary domestic water source, and retained the older weaker well for just their lawn and garden irrigation. It is unclear when all the homes were connected to the delivery system, but the permit was first applied for on May 8, 1975.

Evan

From: STEVEN POTRATZ [<mailto:potratz6@msn.com>]

Sent: Thursday, June 20, 2019 9:59 AM

To: Roda, Evan <Evan.Roda@idwr.idaho.gov>

Subject: Re: Water Right No. 87-7022

So it would seem that all uses in some time line were shifted from the auxiliary source to the primary source in 1964, but the permit was not secured until 1975?

Steve

Sent from my iPhone

On Jun 19, 2019, at 3:23 PM, Roda, Evan <Evan.Roda@idwr.idaho.gov> wrote:

Steve & Aaron,

I dug into the back file for Water Right No. 87-7022 and found a couple additional details for you. First, the application was originally filed for domestic use in 1 house, 4 small apartments, and 24 mobile homes. Also stated on the claim was that the well supplying water for the claimed uses was completed in 1964. I found a copy of the drillers report for that particular well and attached that to this email also. The license was issued for the use of that well for domestic and stockwater purposes with a priority date of May 8, 1976. The total diversion rate/volume of the license is 0.20 CFS and 36.4 AF. The number of homes served is not specified in the license; however, the annual diversion volume of 34.8 AF for domestic purposes indicates that the domestic use was likely intended for the 29 units first filed for (standard allotment of 1.2 AF per home). I have attached a copy of Water Right License No. 87-7022 for your reference.

Hopefully this information provides you with a clearer understanding of the extent of use allowed through 87-7022, and also what is needed to file your claim on it. If you have any further questions, please feel free to contact me and I will be happy to help.

Best Regards,

Evan

Evan W. Roda
Water Rights Supervisor
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2815 / 2800
Fax (208) 762-2819