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DEPARTMENT OF
WATER RESOURCES

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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Claim ID: _____

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Jake and Jilleen Scott Family Trust Phone (208) 301-4517
Mailing address 19576 S. Loffs Bay Road, Coeur d'Alene, Idaho 83814 Zip 83814
Street or Box _____ City _____ State _____
Email address (optional) jake73s@yahoo.com
2. Date of priority: (Only one per claim) 10/09/1911 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring and creek
which is tributary to (b) holding pond
4. a. Location of point of diversion is: Township 49N, Range 05W, Section 33,
NE 1/4 of NE 1/4, Govt. Lot _____, BM, County of Kootenai
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
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.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 03/01 to 10/31 amount 0.008 or

For Domestic purposes from 01/01 to 12/31 amount .008 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .008 (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.) Domestic to serve 1 household.

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	

Parcel no(s). 49N04W345800; 49N04W344600; 49N04W346600 Total number of acres irrigated 5

10. In which county(ies) are lands listed above as place of use located? Kootenai

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.

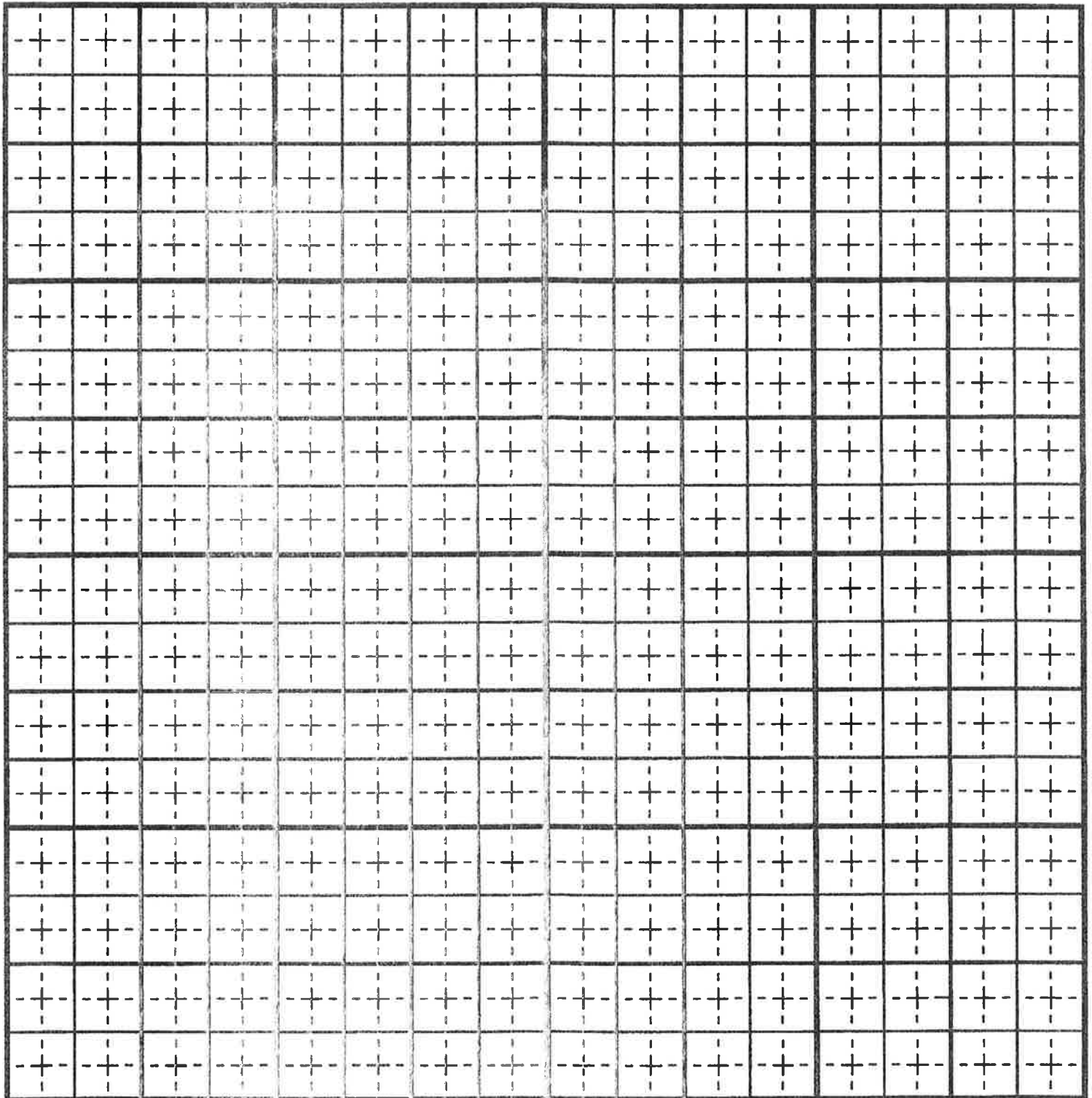
12. Describe any other water rights used at the same place and for the same purposes as described above.
Claimants own WFR 95-15895 (groundwater) right for domestic/stockwater. or None ()

13. Remarks (Include an explanation of the priority date selected):
Priority date based on Licence application date.

Name of claimant(s) Jake and Jilleen Scott Family Trust Claim ID

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) Jake and Jilleen Scott Family Trust

Claim ID _____

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 Coeur d'Alene-Spokane 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: Aff. J. Scott w Exhibits

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

Trustee _____ of Jake and Jilleen Family Trust
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 [Signature] trustee Date 12-17-19

Printed Name of Authorized Agent Jake R Scott trustee

16. Notice of Appearance:

Notice is hereby given that I, (please print) Kinzo H. Mihara, will be acting as attorney at law on behalf of 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 [Signature] Date 12/17/19

Address 923 N. Third Street, Coeur d'Alene, Idaho 83814

Name of claimant(s) Jake and Jilleen Scott Family Trust

Claim ID _____

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7912

Name of Applicant: Momail Giron # 7818

95-2044

No. 11480.

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Mansil Gordon
Postoffice address: Black Rock
County: Kootenai State: Idaho
 2. The quantity of water claimed is 8/1000 cubic foot per second
 3. Source of water supply: A spring on Section 33, T. 49 N. R. 4 E. B. M. being at a point 172 feet east 766 feet south of quarter corner north line, said Sec. 33.
 4. Location of point of diversion: At spring
County of Kootenai
 5. To be used for: Irrigation and domestic use.
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: seven acres.
 - (b) In the following legal subdivisions: NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 33 T. 49 N. R. 4 E. B. M.
 6. Estimated cost of works: \$800.00
 7. Description of works for diversion:
 - I. Kind of works: 3/4" galvanized pipe taking water from reservoir at spring, which reservoir is 5x5^{1/2} ft. and of cement, 3000 feet southeast to larger reservoir.
 - II. Dimensions of works:
 - (b) Capacity of reservoir: 100 cubic feet. Of larger reservoir: 7600 cubic feet.
 - (d) Conduit galvanized pipe, Diameter of pipe: 3/4 inches. Average grade per mile is 150 feet. Length of conduit is 2650 ft. to reservoir marked "a"; 50 ft. further to house, and it crosses the following quarter sections: Northeast quarter and Northwest $\frac{1}{4}$ of the Southeast quarter of Section 33 T. 49 N. R. 4 E. B. M., onto the Northeast quarter of the Southeast quarter of said Sec.
 8. The time required for the completion of the construction of such work is one year.
 9. Time required for the complete application of the water to the proposed needs one additional years. Water is now being used for both domestic and irrigation.
- BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth

Mansil Gordon,
Applicant

Ex. 2

Remarks: The spring by use of pipe and reservoir above described now furnishes barely enough water for domestic use, and to irrigate about 4 acres of land by storing the water in the reservoir. It does not run enough water to use for irrigation purposes direct from the spring. The four acres to be irrigated are practically in the center of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 33, being southerly and easterly from the house.

APPROVAL OF STATE ENGINEER

The number of this permit is 7812.

Date of first receipt at office of State Engineer 9.00 a.m. October 9, 1911.

Returned to applicant for correction October 13, 1911.

Corrected application received October 19, 1911.

Recorded in Book 24. Page 7812. Approved November 4, 1911

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before January 3, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 4, 1912.

The whole of said work to be completed on or before November 4, 1912.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 4, 1913.

Witness my hand this fourth day of November, 1911.

A. E. Robinson

State Engineer

Ex. 3

REPORT OF ENGINEER

1. State name of applicant and number of permit: Marcil Gordon #7812
2. State source of water supply: Spring in NW 1/4 of NE 1/4 Sec 33 T49 N R4 W 2 N.
3. Location of point of diversion: 172 ft East and 766 ft South of 1/4 cor on North line of Sand Sac 23
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: At the point of diversion, a concrete sewer 5' 6" x 5'
 - (b) Width at water line: is built; between through a 4" galvanized iron pipe 26.57 feet
 - (c) Depth of water: long the water is led to a manhole (cont.) 26' x 50' 5 ft deep
 - (d) Grade per mile: at highest place of NW 1/4 of SE 1/4 of Sec 33, about 125 ft lower than
 - (e) Capacity of ditch: point of diversion; gate capacity of two Sec 33 and 34 second foot
6. State whether or not water has been turned into works of diversion and if so, to what extent: The water is running in the pipe. Containing, being used for domestic purposes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 1/4 of the NE 1/4 of SE 1/4 Sec 33 is divided to twenty two, the land is used as a farm in the Western part of Sand Sac for garden and apple tree nursery also some heavy fruit trees
8. Submit map or enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO,

County of Boole ss.

J. J. Blydenstein, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 31 day of January 1912

My Commission Expires Sept 5-12

Notary Public.

7812

Ex. 4

Notice of proof of completion of works and of application of water to beneficial use received January 17, 1912, fixing March 2, 1912, as date and Coeur d'Alene, Idaho, as place of proof.

Deposition blanks mailed January 25, 1912.

Report of Engineer received February 2, 1912.

Depositions and affidavit of publication received March 11, 1912.

Fees received March 22, 1912.

Certificate and License issued March 25, 1912.

Permit No. 7812

CERTIFICATE OF COMPLETION OF WORKS.

To all Whom it May Concern:

This is to certify that MANSIL GORDON, of Black Rock, County of Kootenai, and State of Idaho, the holder of Permit No. 7812, issued upon Application No. 11488, bearing date of priority of October 9th, 1911, authorizing the diversion of 8/1000 of one second foot of the waters of a spring, County of Kootenai, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 8/1000 of one second foot of the waters of a spring, that the point of diversion of said waters is at a point in Section 33, Township 49 North, Range 4, East of the Boise Meridian, being at a point 172 feet east and 766 feet south of the quarter corner north line of Section 33, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 33, Township 49 North, Range 4 East of the Boise Meridian.

Witness my hand this 25th day of March, A. D. 1912.

A. E. Robinson

State Engineer

License issued for 9/1000 second foot

 Kootenai County
 Spring
 8/1000 of 1 cu. ft.
 Irrigation and domestic
 Priority 10-9-1911.

STATE OF IDAHO

Water License No. 7812.

3.59 gpm
 215 gph

WHEREAS, On the 9th day of October, A. D. 1911, MANSIL GORDON, of Black Rock, County of Kootenai, State of Idaho, duly made application (No. 11488) to me for a permit to use 8/1000 of one cubic foot per second of the waters of a spring, County of Kootenai, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 4th day of November, A. D. 1911, Permit No. 7812 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 4th day of November, A. D. 1912, and for the application to beneficial use of said water on or before the 4th day of November, A. D. 1912, and,

WHEREAS, On the 2nd day of March, A. D. 1912, MANSIL GORDON, the holder of said permit duly made proof of the completion of adequate works for the diversion of 8/1000 of one cubic foot per second of said waters, as evidenced by my Certificate No. 7812, dated March 25th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 8/1000 of one cubic foot per second of the waters of a spring, with date of priority of October 9th, 1911, and,

WHEREAS, On the 2nd day of March, A. D. 1912, MANSIL GORDON, the holder of said permit, duly made proof of the application to beneficial use of 8/1000 of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to MANSIL GORDON, of Black Rock, County of Kootenai, State of Idaho, the holder and owner of said Permit No. 7812, a perpetual right, dating from October 9th, 1911, to the use of 8/1000 of one cubic foot per second of the waters of a spring, in the County of Kootenai, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in Section 33, Township 49 North, Range 4, West of the Boise Meridian, being at a point 172 feet east and 766 feet south of the quarter corner north line of Section 33, and conducted to and upon (4 acres in the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 33, Township 49 North, Range 4 West of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of March, A. D. Nineteen hundred and twelve.

A. E. Robinson,
 State Engineer

(SEAL)

20 2014

Ex. 6



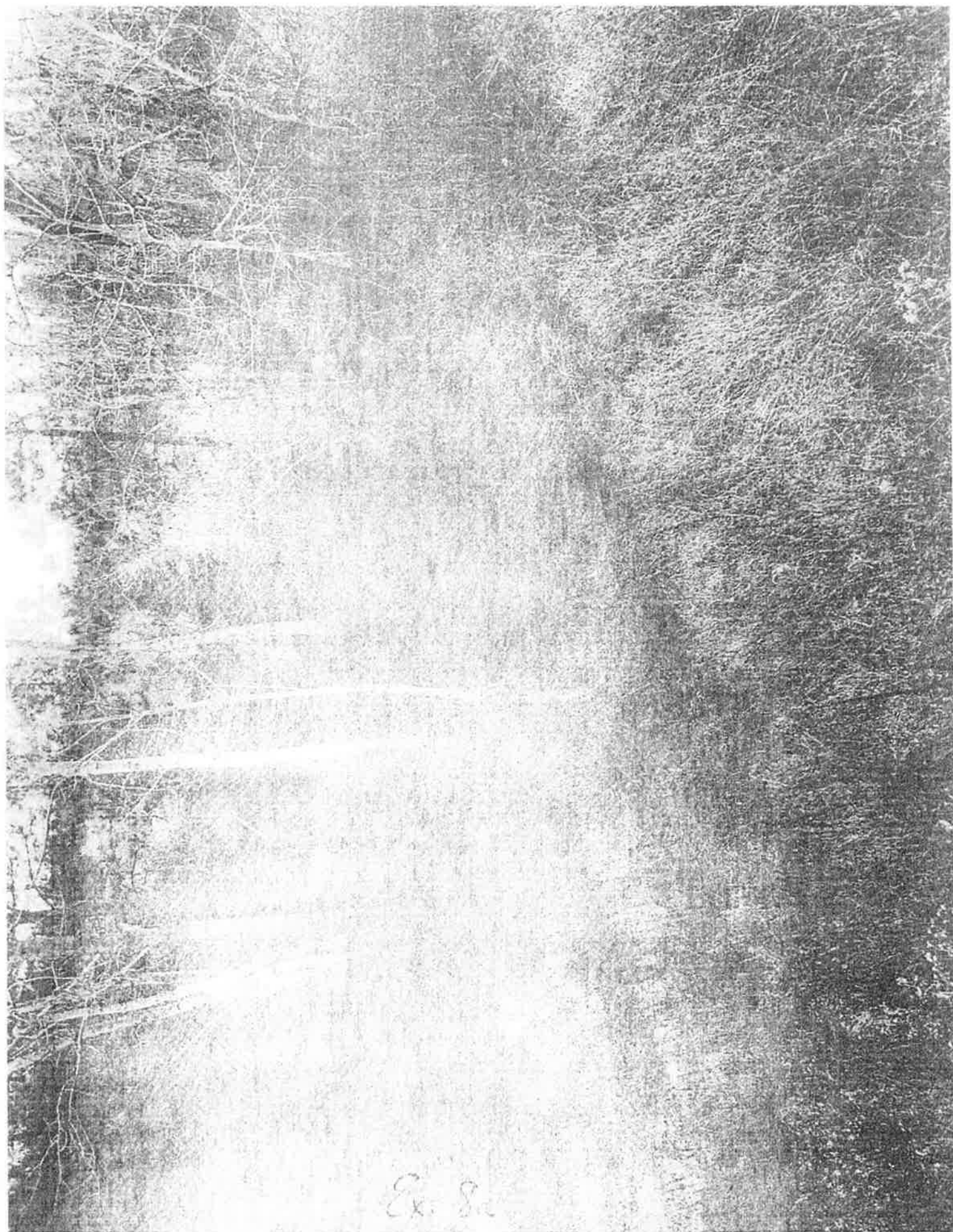
Layout



Legend

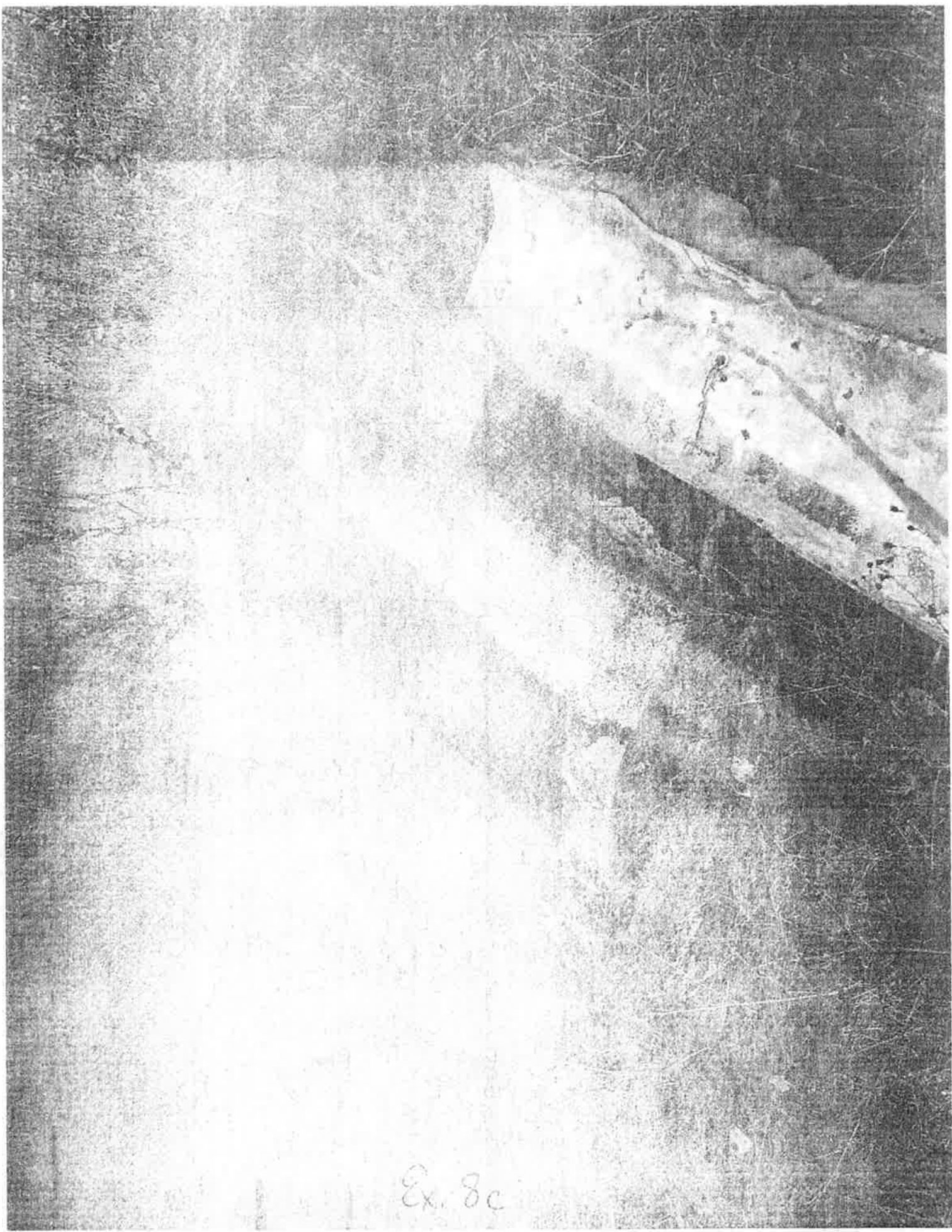
☐ Game_Management_Units

Ex. 76

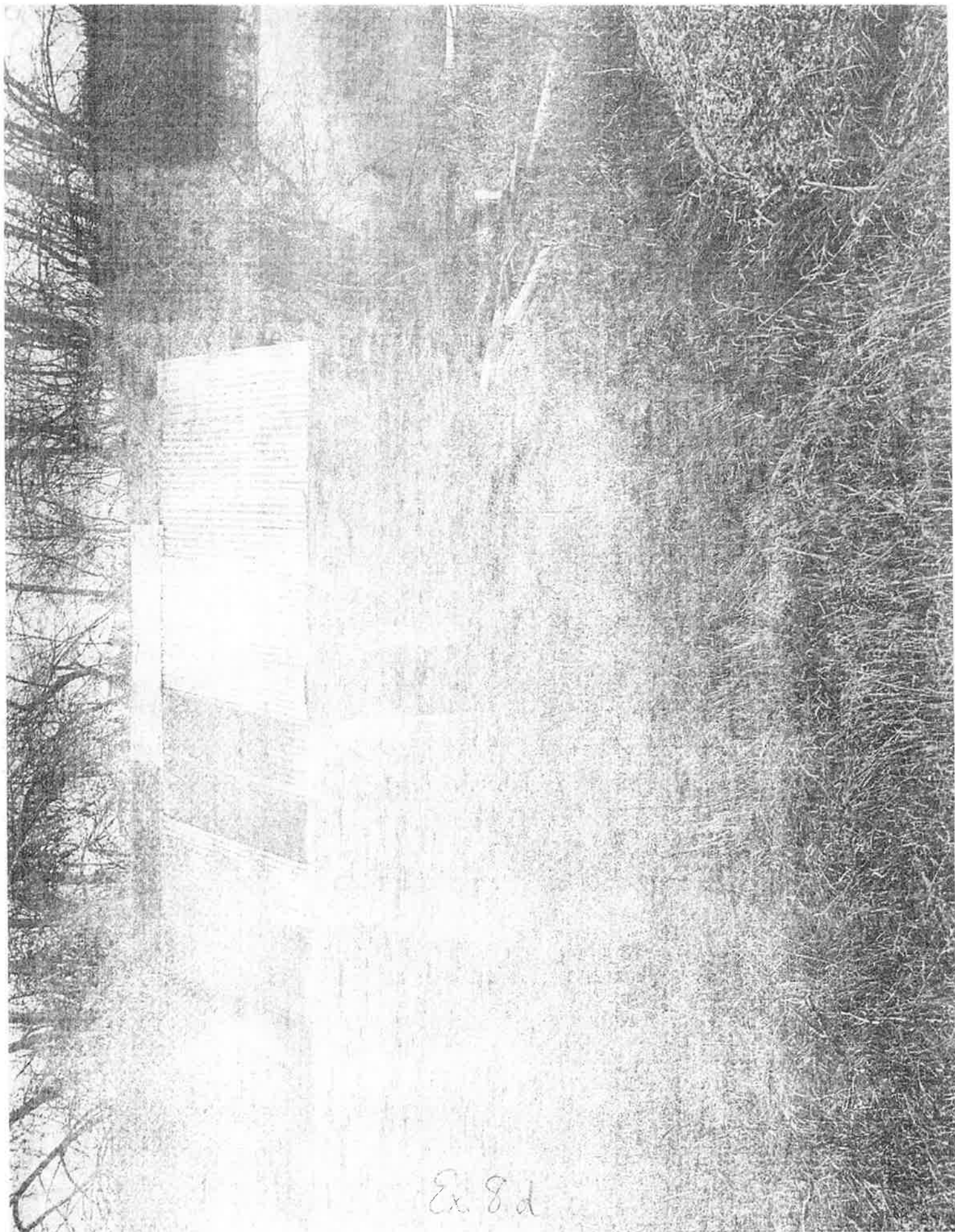




Ex. 86



Ex. 8c



Kinzo H. Mihara, ISB 7940
MIHARA LAW PLLC
923 N. 3rd Street
Coeur d'Alene, ID 83814
T (208) 304-3850
F (208) 620-2200

khmihara@miharalawpllc.com

Attorney for Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBAs	)	Subcase No.: 95-2044
	)	
Case No. 49576	)	AFFIDAVIT OF JAKE SCOTT
	)	
	)	

County of Kootenai	)
	) ss.
State of Idaho	)

COMES NOW the below-named affiant and after being duly sworn by an officer authorized to administer oaths does depose, subscribe, and swear to the following:

- (1) My name is Jake Scott. I am over the age of eighteen (18) years old. I am competent to make this affidavit. I am a trustee of the Jake and Jilleen Scott Family Trust, claimant in the above-referenced subcase; and,
- (2) I only recently learned there may be a historic water right associated with my property in regard to the subcase above. Upon learning this information, I immediately began researching the water right.
- (3) Upon my research, I have come to find out that the place of use is actually on my property in Section 34, Township 49 North, Range 4 West Boise Meridian.

- (4) The aerial and topographic maps contained on Exhibit 7 of the claim form depict the spring where the water flows; and the lines depict the infrastructure for transmission of the water.
- (5) The photographs of the place of use of the water right depict the pond where the water collects, and the home and basin wherein it is used.
- (6) While the home and basin appear to be in a state of needing repairs, since my wife and I (through our trust) purchased the property in 2013 I have been working on it. I have used the water from the spring, pond, and basin to wash implements, mix concrete, irrigate a small garden plot, and water my animals.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 17 day of December, 2019.



Jake Scott

NOTARIAL ATTESTATION

Subscribed and sworn to before me this 17 day of December, 2019.

[SEAL]




Name: Kristin Klopatek
Residing at: Kootenai county
My Comm'n Expires: 5/7/25

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the undersigned by the method indicated on the 17 day of December, 2019, addressed to:

Kinzo H. Mihara
MIHARA LAW PLLC
923 N. Third Street
Coeur d'Alene, Idaho 83814

[X] Via Hand-Delivery.

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

[X] U.S. Mail, First-Class, Prepaid

IDWR Document Respository
P.O. Box 73720
Boise, Idaho 83720-0098

[X] U.S. Mail, First-Class, Prepaid

United States Department of Justice
Environmental & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, Idaho 83720

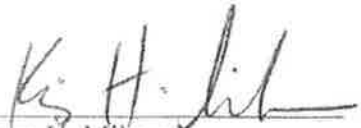
[X] U.S. Mail, First-Class, Prepaid

Chief Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

[X] U.S. Mail, First-Class, Prepaid

Edward Joy
20623 S. Highway 95
Coeur d'Alene, Idaho 83814

[X] U.S. Mail, First-Class, Prepaid

By: 
Kinzo H. Mihara