

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: 87-12253

Date Received: _____

Receipt No: N035834

Claim Fee: _____ By: _____

RECEIVED

OCT 26 2020

IDWR/NORTHERN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) THOMAS J O'MALLEY & ANN S BLOMMER-O'MALLEY Phone (208) 310-5031

Mailing address 206 N VAN BUREN ST MOSCOW ID Zip 83843
Street or Box City State

Email address (optional) _____

2. Date of priority: (Only one per claim) 5/29/1940 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) PALOUSE RIVER

which is tributary to (b) SNAKE RIVER

4. a. Location of point of diversion is: Township 34, Range 42, Section 03,
SE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Latah

Parcel no. RP42N03W347234 & RP42N03W354350 (as described on legal description Exhibit A)

Additional points of diversion, if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township 42N, Range 03W, Section 35, SE 1/4 of SE 1/4,

Govt. Lot _____, BM, County of LATAH

Ending point is: Township 42N, Range 03W, Section 34, NW 1/4 of SE 1/4,

Govt. Lot _____, BM, County of LATAH

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.

IN-STREAM STOCKWATERING

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)
For STOCKWATER purposes from 5/15 to 10/15 amount 0.02 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (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.) APPROX. 300 HEAD OF CATTLE, PROPERTY IS LEASED TO A RANCHER

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	
42N	03W	34													S	S		S	
42N	03W	35							S	S			S	S					

Parcel no(s) RP42N03W347234 Total number of acres irrigated _____

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 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.
_____ or None (✓)

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

Priority date was selected per enclosed letter of
first hand knowledge by Don Ball, Associate
Broker, Idaho's Best Home and Land.

Name of claimant(s) THOMAS J O'MALLEY & ANN S BLOMMER-O'MALLEY 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 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: 3

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: 4/9/20

Thomas J O'Malley

Date: 4/9/20

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 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 _____ Date _____

Address _____

Name of claimant(s) THOMAS J O'MALLEY & ANN S BLOMMER-O'MALLEY Claim ID _____

EXHIBIT A Legal Description

Township 42 North, Range 3 West, B.M., Latah County, Idaho

Section 34: N1/2 SE1/4 and all that part of the SE1/4 SE1/4 lying north and west of State Highway 6

Section 35: That part of the S1/2 NW1/4 lying west of the centerline of the Palouse River; that part of the NW1/4 SW1/4 lying west of the centerline of the Palouse River and that part of the SW1/4 SW1/4 lying north and west of State Highway 6

As shown outlined in red on the below map.



PURCHASE AND SALE AGREEMENT - RD, Inc. - O'Malley

Initials Seller: _____ Date: _____

Buyer(s) RD / RD Date: 7/29/19

Thomas J. O'Malley & Ann S. Blommer O'Malley

1999





Don Ball, Associate Broker
Idaho's Best Homes and Land
230 6th Street
Potlatch, ID 83855
[*ibhldb@gmail.com*](mailto:ibhldb@gmail.com)

Linda A. Werner
Senior Water Resource Agent
Idaho' Department of Water Resources
7600 N. Mineral Dr. Ste 100
Coeur D'Alene, ID 83815

March 20, 2020

Re: Application by Thomas J. O'Malley and Ann S. Blommer-O'Malley regarding acreage previously owned by RD Inc.

Dear Ms. Werner,

This letter verifies my understanding of the use of the Palouse River water by the Deerkop brothers who previously owned the subject property under the name of RD, Inc.

I have lived in Latah County since 1950. I am familiar with the property that Robert and August (Toe) Deerkop (RD, Inc.) owned and operated as a hay and cattle ranch. I farmed a few miles from this property from 1974 to 1997. I have been a Real Estate Agent and Broker since 1999 and have traveled by this property while growing up in the area. While traveling by the property since the late 1950's I noticed Bob & Toe utilizing the water for irrigation and watering cattle from the Palouse River and several ponds located on their property.

Kind Regards,
Don Ball, Associate Broker
Idaho's Best Homes and Land
Potlatch Idaho

Thomas J. O'Malley & Ann S. Blommer