

**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: 87-12313

Date Received: 7/29/2021

Receipt No: N1837212

Claim Fee: By: NS

RECEIVED

JUL 29 2021

IDWR/NORTH

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of claimant(s) The Ruth A. Elliott 1992 Revocable Living Trust Phone (208) 882-4376
Mailing address 1050 Hall Rd. Viola ID 83872-9775
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) April 1, 1944 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Unnamed Stream, Surface Run Off
which is tributary to (b) Crane Creek
4. a. Location of point of diversion is: Township 42N, Range 04W, Section 17,
SE 1/4 of NE 1/4, Govt. Lot _____, BM, County of Latah
Parcel no. RP42N04W170017A
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.
Pond is located on-stream with a surface area of approximately 0.3 acres and holds approximately 2.2 AF.
There is a dike that holds the water back, but the stream flows out of the pond.

6. Water is claimed for the following purposes:

		(dates are inclusive MM-DD)	(cfs)	(acre-feet)
For	Stockwater to/from storage	purposes from 1/1 to 12/31	amount	or 2.2
For	Wildlife to/from storage	purposes from 1/1 to 12/31	amount	or 2.2
For	Fire protection to/from storage	purposes from 1/1 to 12/31	amount 0.20	or 2.2
For	Aesthetic/Recreation	purposes from 1/1 to 12/13	amount	or 2.2

7. Total quantity claimed (a) _____ (cfs) and/or (b) 2.2 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Approx. 200 head of cattle; fire protection from storage up 0.2cfs to large tank on truck

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	04W	17				W													
42N	04W	17	S	S	S	S													
42N	04W	17	F	F	F	F					F			F	F	F	F	F	
42N	04W	20	F	F			F												
42N	04W	17				J/R													

Parcel no(s). RP42N04W174887A & RP42N04W200020A

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):

This pond is not shown on a 1940 aerial photo, however it is noted on a USGS map that it is present on a 1957 photo. The pond was constructed by Mr. Peterson who bought the property on 10/18/1943 and he owned equipment that could construct the pond. Mr. Peterson sold the property on 4/26/1958 to Mr. Peavey. Mr. Peavey's descendant recalls that the pond was mature with established vegetation with small bushes, cattails and ferns around it in 1958. The April 1, 1944 date is based on when Mr. Peterson bought the property and a reasonable time when he would have constructed the pond. Attachments: aerial photo showing pond location, POU parcel map, 3 deeds, 3 views of 1960 USGS Quadrangle Map.

Name of claimant(s) The Ruth A. Elliott 1992 Revocable Living 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 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: 8 (9 pages)

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 The Ruth A. Elliott 1992 Revocable Living 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 Jeanne D. Elliott, Trustee Date July 29, 2021

Printed Name of Authorized Agent Jeanne D. Elliott, Trustee

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) The Ruth A. Elliott 1992 Revocable Living Trust Claim ID _____

Claim Map

Place of Use & Point of Diversion Map



The Ruth A. Elliott 1992
Revocable Living Trust

Please verify that this is the pond you want to claim.
The dam face is the point of diversion for an onstream pond.



LEGEND

- Parcels
- Subdivisions
- plse_sections
- Roads
- CITY
- COUNTY
- FEDERAL HIGHWAY
- PRIVATE ROAD
- STATE HIGHWAY
- plse_sixteenlines

LOCATION

LEGAL

© Latah County Official Plat Record.

These maps are provided by The Latah County
Due to the variability of sources used Latah County
makes no claims or warranties regarding
the data contained herein.

Scale 1:14,400

Date Printed July 2017

File Name Cartographer

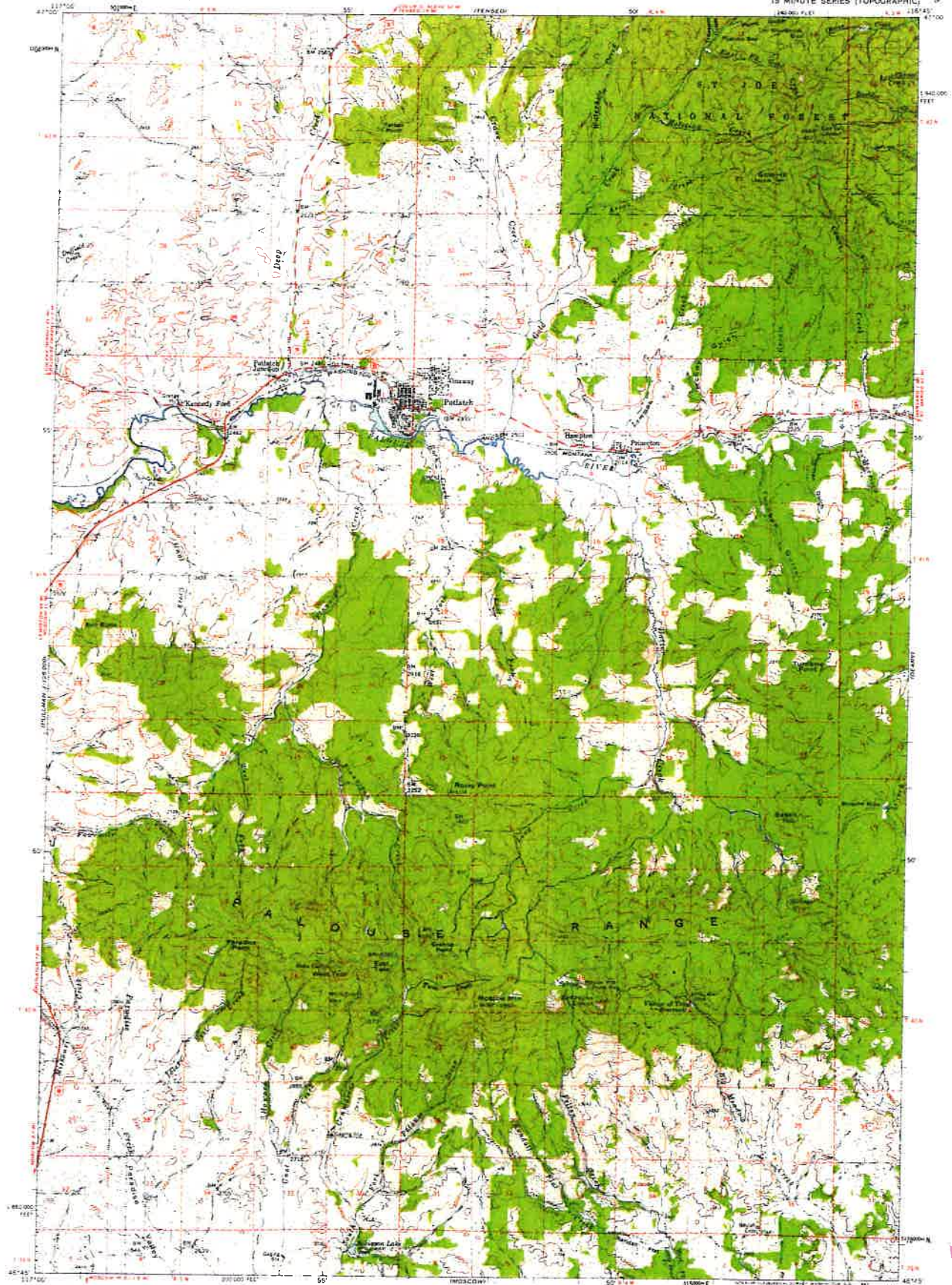
Auto MapBook Debbie Jacobs

Page Number 189

00000000
17 12 000

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

POTLATCH QUADRANGLE
IDAHO-LATAH CO.
15 MINUTE SERIES (TOPOGRAPHIC)



Maplet, edited, and published by the Geological Survey
Control by USGS and USGAS
Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1957. First check 1960
Polyconic projection. 1927 North American datum.
16,000-foot grid based on Idaho coordinate system. West zone
1000-meter Universal Transverse Mercator grid cells
zone 11. Shown in blue
Gravelled land lines indicate approximate locations

APPROXIMATE MEAN
DECEMBER 1960

THIS MAP COMPLEYS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25 D.C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

USGS
Historical File
Topographic Map
POTLATCH, IDAHO
15454-11143/15
1960

The Ruth A. Elliott 1992
Revocable Living Trust

JUL 23 1997

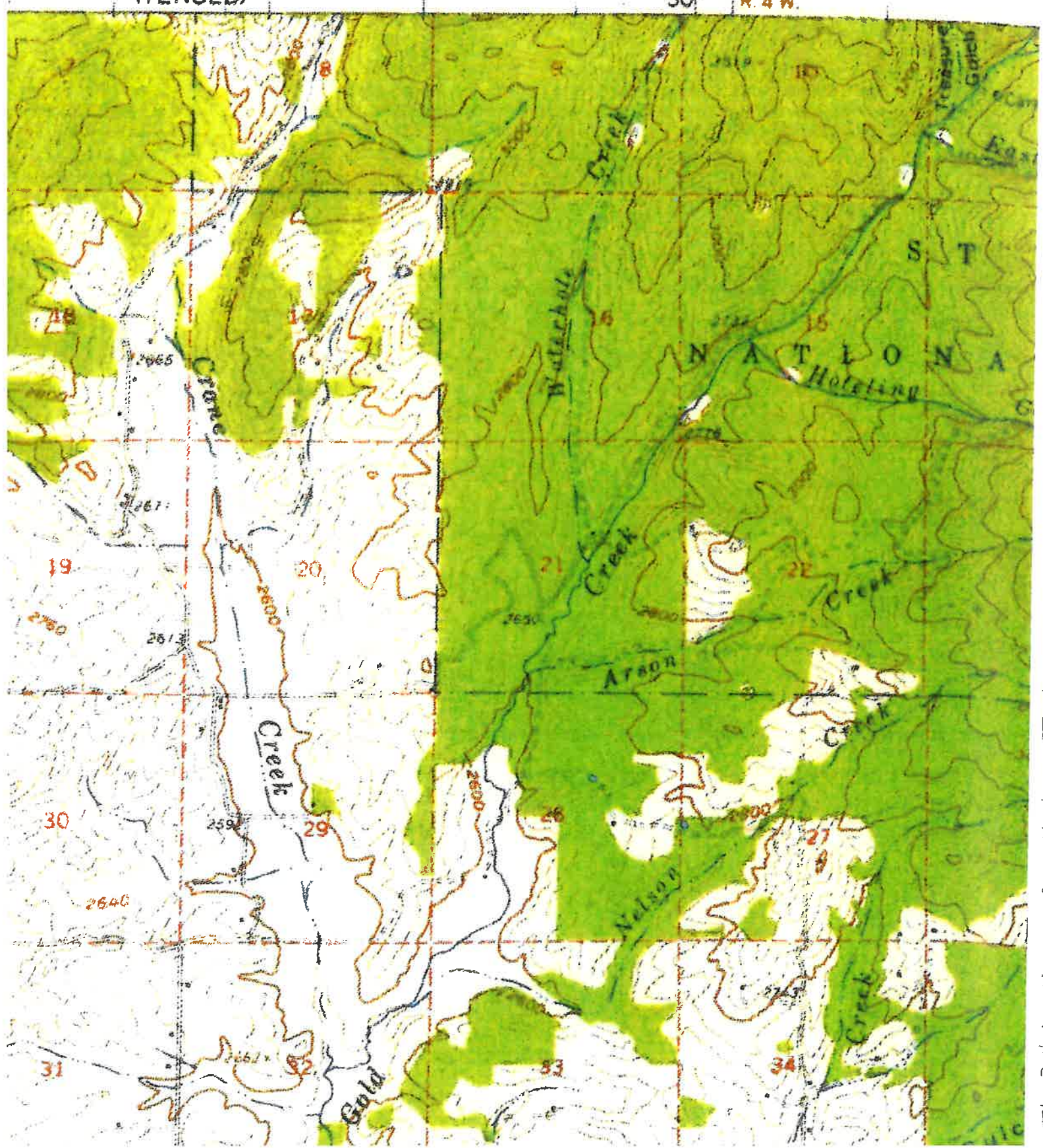
2555

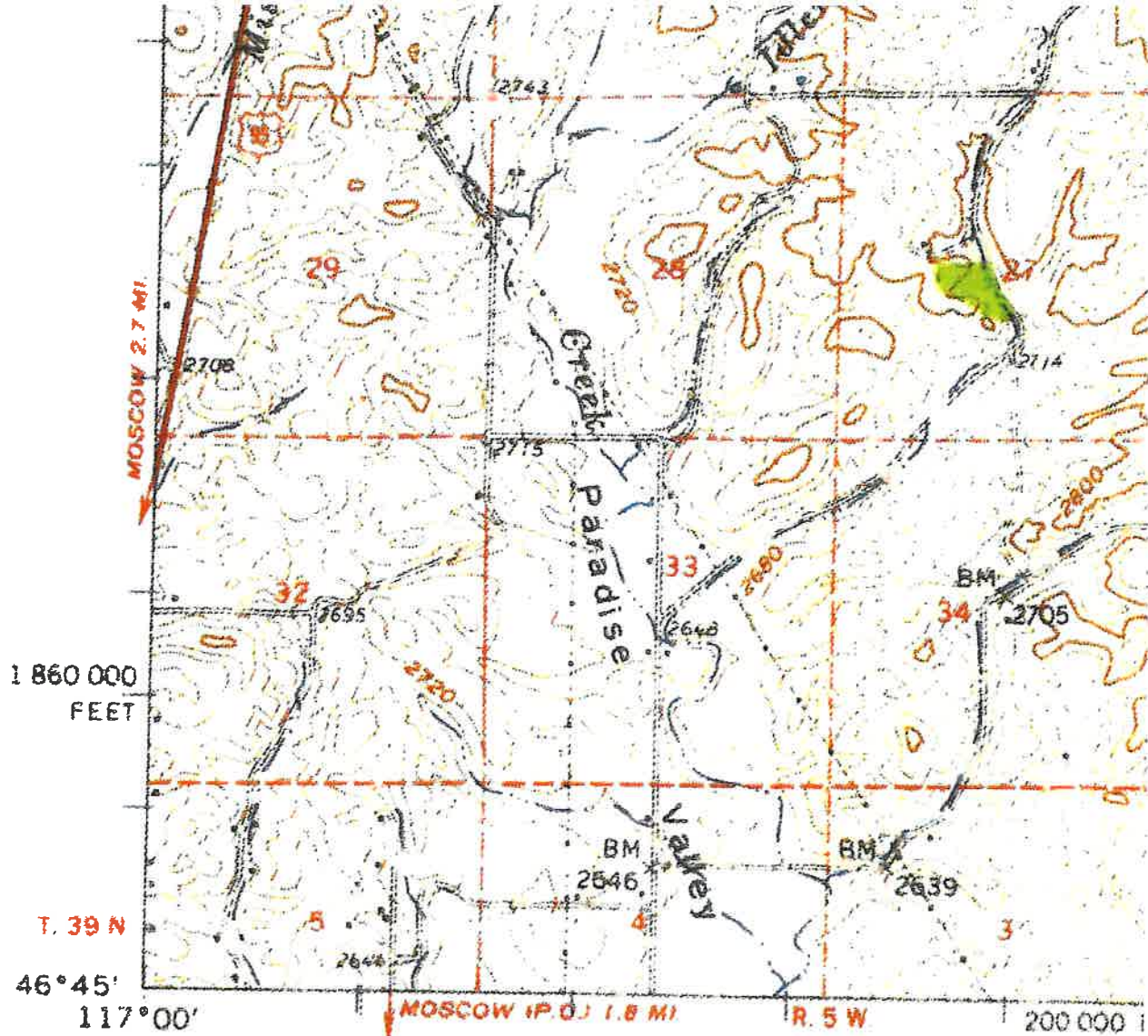
NE 63 MI.

(TENSED)

50'

R. 4 W.





(PULLMAN 1:125 000)

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1957. Field check 1960

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, west zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Dashed land lines indicate approximate locations

APPRO:
DECLII

Instrument Number 153515 ✓

QUITCLAIM DEED

THIS INDENTURE, Made this 18th day of October in the year of our Lord one thousand nine hundred and forty-three between Wilbur Charles Owens and Thelma Louise Owens, his wife, of the County of Latah State of Idaho, the parties of the first part, and L. C. Peterson and Hazel Peterson, his wife, of the County of Latah State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of One Hundred Fifty and 00/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns, all one certain lot, piece or parcel of land, situate, lying and being in the County of Latah, State of Idaho, bounded and particularly described as follows, to-wit:

The Southeast Quarter of the Northeast Quarter
(SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the North Half of the Northeast Quarter
(N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Seventeen (17), Township Forty-two (42)
North, Range Four (4) West of the Boise Meridian.

(\$0.55 in U. S. I. R. stamps attached and cancelled.)

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF	)	Wilbur Charles Owens (Seal)
---	)	Thelma Louise Owens (Seal)
	)	(Seal)
	)	(Seal)

STATE OF IDAHO)
County of Latah) ss.

On this 18th day of October in the year 1943, before me G. P. Anderson, a Notary Public in and for said State, personally appeared Wilbur Charles Owens and Thelma Louise Owens, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

S E
: G. P. ANDERSON :
: NOTARY PUBLIC :
: STATE OF IDAHO :
A. L

G. P. Anderson
Notary Public for the State of Idaho.
Residing at Potlatch, Idaho.

Filed for record December 20th, 1943, at 10:15 o'clock A. M.
Request of Potlatch Branch, Idaho First National Bank. Fee \$0.80.

BESSIE BABCOCK
RECORDER

BY *Ross E. Rawson*
DEPUTY

---:---

Instrument Number 156603 ✓

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Linnie Barnes, formerly Linnie Liddle of Palouse County of Whitman State of Washington, in consideration of Four hundred and 00/100 Dollars, does hereby grant, bargain, sell and convey unto L. C. Peterson the following property, in Latah County, State of Idaho, to-wit;

Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Seventeen (17), Township Forty-two (42) North, Range Four (4), West of the Boise Meridian, Latah County, Idaho.

It is hereby stipulated by the grantor that the above property is her sole and separate property and she is authorized to dispose of the same individually.

(\$0.55 in U. S. I. R. stamps attached and cancelled.)

TOGETHER WITH ALL AND SINGULAR, The tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

AND the above named grantor, hereby covenant, that the above described premises are free from all encumbrance, and that she will and her heirs, executors and administrators shall warrant and defend the above premises against all lawful claims and demands, except:-

SIGNED, this twenty-ninth day of November, 1944.

Witnesses:

Linnie Barnes

STATE OF Idaho }
County of Latah } ss.

On this twenty-ninth day of November, in the year 1944, before me G. P. Anderson, A NOTARY PUBLIC, in and for said state, personally appeared Linnie Barnes, formerly Linnie Liddle known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above written.

S	E	G. P. Anderson
: G. P. ANDERSON	: NOTARY	: Notary Public, Residing at
: PUBLIC	: STATE OF IDAHO	: Potlatch, Idaho
A	L	

Filed for record January 25th 1945, at 4:30 o'clock, P.M.

Request of Potlatch Branch, Idaho First National Bank. Fee \$0.60.

BESSIE BABCOCK
RECORDER

BY *Maurice Peterson*
DEPUTY

--

WARRANTY DEED

239932

Know All Men by These Presents:

That L. C. PETERSON and HAZEL M. PETERSON, husband and wife,
 of Potlatch, County of Latah,
 State of Idaho, in consideration of One Dollar (\$1.00) and other
 valuable considerations, ~~do hereby~~ hereby grant,
 bargain, sell and convey unto WARREN G. PEAVEY and BARBARA J. PEAVEY, husband and wife,
 the following property, in Latah County, State of Idaho, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of Section Seventeen
 (17) Township Forty-two (42) North, Range Four (4)
 West Boise Meridian.



TOGETHER WITH ALL AND SINGULAR, The tenements, hereditaments and appurtenances thereunto
 belonging or in anywise appertaining

AND the above named grantors, hereby covenant, that the above described premises are free from all
 encumbrances, and that they will and their heirs, executors and administrators
 shall warrant and defend the above premises against all lawful claims and demands, except: taxes for the
 year 1958, and thereafter.

SIGNED, this 26 day of April, 1958.

Witnesses:

L. C. Peterson
Hazel L. Peterson
Hazel M. Peterson

STATE OF ~~XXXXX~~ WASHINGTON
County of ~~Latah~~ *Whitman*

} ss.

On this 26 day of April, , in the year 19 58 , before me

the undersigned, , A NOTARY PUBLIC,

in and for said state personally appeared L. C. Peterson and Hazel M. Peterson, his wife,
known to me to be the persons whose names are subscribed to the foregoing instrument,
and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the date last above



James Purcell
Notary Public, Residing ~~at XXXXX~~
at Palouse, Washington.

230432

WARRANTY DEED

FROM

L. C. Peterson

et al. Hazel M. Peterson

Warren H. Peavey

et al. Barbara J.

Office of the County Recorder

STATE OF IDAHO,

County of *Latah* } ss.

I hereby certify that the within deed was
filed in this office for record on the 3
day of *January*, A. D. 19 58
at 4:52 o'clock *P.* M., and was
duly recorded in Book 162
of Deeds, on page 165 at the request
of *Warren H. Peavey*

M. K. CLINE

Recorder.

Hazel Peterson
Deputy.

Recording Fee, \$ 90 Cash.

FROM THE OFFICE OF

LATAH COUNTY TITLE COMPANY

Abstracts of Title — Title Insurance

MOSCOW, IDAHO

File 1702 *Powe & Davis*

Clarkston, Wash.