

Holmes, Christopher

From: Holmes, Christopher
Sent: Thursday, October 17, 2019 1:31 PM
To: 'Tall Rock Farm Holdings'
Subject: RE: Additional Evidence of Priority Date for Water Right Claim

Good afternoon,

I received the Summary in the mail and added it to your claim as evidence. Thank you for spending the time to find more evidence and staying in contact with me. If you do find any other evidence for an earlier priority date in your research, let me know and the department will look over it. Likewise, if you have any questions feel free to contact me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2800
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Tall Rock Farm Holdings [mailto:trfholdings@outlook.com]
Sent: Friday, October 11, 2019 12:42 PM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Additional Evidence of Priority Date for Water Right Claim

Christopher, thank you for the additional information.

You should receive a copy of "Real Property Valuation Summary No. 10581" via postal mail shortly, which indicates a residence in 1921. Meanwhile I will continue research for the earlier priority date.

Regards,
Robert, Manager
Tall Rock Farm Holdings LLC

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Thursday, October 10, 2019 9:24 AM
To: Tall Rock Farm Holdings <trfholdings@outlook.com>
Subject: RE: Additional Evidence of Priority Date for Water Right Claim

There are instances like those you mentioned. The sort of records that have been accepted in those instances are documents for property given to landowners under the Homestead Act of 1862. The act allowed citizens to acquire 160

acres with no cost (except a small registration fee), but required the individual to improve the plot of land by building a dwelling and cultivating the land for 5 years (National Archives, 2019). So, if we have documentation on the property that shows the land was exchanged through the Homestead Act, we know that there was someone living on the land and cultivating it, which would require a home to be built and water to be used for survival.

The documentation that I found for your property is dated 1892, documented under the Land Act of 1820. This act allowed the federal government to sell land to individuals, but did not require the buyer to live and improve the land. Because of that, I cannot confirm water being used until the next written documentation that states what the land was used for or if there was a home built.

I did find a map on the property dated 1981, so without additional documentation I can recommend that as the priority date. But, if the "Real Property Valuation Summary No. 10581" contains an older date of record of residence on the property, I can use that as evidence. If you have not already done so, I would recommend calling the County Assessor's Office to see if they have any other documentation.

Sincerely,

Christopher Holmes

Christopher Holmes

Water Resource Agent

Idaho Department of Water Resources, Northern Region

7600 N. Mineral Drive, Suite 100

Coeur d'Alene, ID 83815-7763

Phone (208) 762-2800

Fax (208) 762-2819

Christopher.holmes@idwr.idaho.gov

From: Tall Rock Farm Holdings [<mailto:trfholdings@outlook.com>]

Sent: Thursday, October 10, 2019 7:55 AM

To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>

Subject: Re: Additional Evidence of Priority Date for Water Right Claim

Hi Christopher,

I will mail a copy of "Real Property Valuation Summary No 10581" while pursuing additional evidence for the 1910 priority date.

My understanding is that government recording of both wells and residences came later than 1910, yet priority dates are recognized from that timeframe and earlier. What sort of records have been accepted in those instances?

Regards,

Robert, Manager,

Tall Rock Farm Holdings LLC

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>

Sent: Monday, September 30, 2019 9:11 AM

SCANNED

OCT 17 2019

To: Tall Rock Farm Holdings <trfholdings@outlook.com>

Subject: RE: Additional Evidence of Priority Date for Water Right Claim

Good morning Robert,

The priority date comes from satellite imagery where I can see structures on the property. May of 1992 is the oldest date my computer will let me go back and accurately view the property.

I did receive the attachment "20 Deeds for Parcel: RP42N04W266016A." However, I am unable to use this as evidence for beneficial use because it only shows that the property was sold. It does not provide evidence for water being used for the claimed purpose.

As for the other records available prior to 1992, if the "Real Property Valuation Summary No 10581" shows written record of a residence back to 1921, I am able to use that for evidence and would be able to recommend 1921 as the priority date. Oldest written record showing either a well or home built is sufficient for evidence.

If you would like to submit the 1921 document, or any other documents, please send a copy to me via email or mail.

If you have any questions, please feel free to call me.

Sincerely,

Christopher Holmes

Christopher Holmes

Water Resource Agent

Idaho Department of Water Resources, Northern Region

7600 N. Mineral Drive, Suite 100

Coeur d'Alene, ID 83815-7763

Phone (208) 762-2800

Fax (208) 762-2819

Christopher.holmes@idwr.idaho.gov

From: Tall Rock Farm Holdings [<mailto:trfholdings@outlook.com>]

Sent: Sunday, September 29, 2019 2:05 PM

To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>

Subject: Re: Additional Evidence of Priority Date for Water Right Claim

Good morning Christopher,

I am curious as to from where your recommended priority date of 5/31/1992 comes?

Did you receive the attachment copy from Latah County records titled "20 Deeds for Parcel: RP42N04W266016A"?

Please refer to Warrantee deed number 76/374 dated 5/15/1910 when the property was sold by Potlatch Lumber to A. Wilkins & W. Wilkins for \$1. Local oral history says Wilkins' occupied the property and dug the first well, which still exists, at that time. The Wilkins also built a pond in the draw. Mary Needham continued to use the first well for gardening, raspberries, and fruit & nut trees.

SCANNED

OCT 17 2019

Mary Needham's father purchased the property for his daughter in 1972 (refer to Warrantee deed 261917 dated 10/5/1972). It was purchased because there was a good well adjacent to the original well.

Other beneficial water use records are available prior to 1992. For example, "Real Property Valuation Summary No 10581" to "Mary Lois Needham" showing a residence ("Res 1921"), garage ("Gar 1930"), and "Poultry 1930" with market values from 1977 to 1981. This demonstrates a residence from 1921, assessed in 1980. Also, please refer to "NORTH CENTRAL DISTRICT HEALTH DEPARTMENT INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT Permit No. 31 (84)" dated 7/3/84.

Please let me know if this information is sufficient, and if not what more you require. Copies of all the records referred to here should be available through the county or related offices.

Regards,
Robert, Manager,
Tall Rock Farm Holdings LLC

From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Tuesday, September 24, 2019 8:49 AM
To: trfholdings@outlook.com <trfholdings@outlook.com>
Subject: Additional Evidence of Priority Date for Water Right Claim

Good morning,

I am emailing in regards to Notice of Claim to a Water Right 87-11623. The Claim is based on a statutory claim, also called beneficial use claim, and are established by historic use of water. The date of first use is known as the priority date, and cannot be confirmed by a field examination. Because of this, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

After reviewing your Claim, I am unable to confirm the priority date of 5/15/1910. From department resources, I am able to recommend a priority date of 5/31/1992 with no additional evidence submitted. If you would like to submit additional evidence, you can email it directly to me, or mail it to our Northern Region office in Coeur d' Alene. Examples of additional evidence include:

1. Affidavits – a statement from someone with personal knowledge of when beneficial use was first made, such as a neighbor or a previous owner of the property. Personal knowledge means someone who observed the use, not someone who was told of the use by someone else. The affidavit should include the month and year when the water usage began.
2. Sales receipts for equipment or materials used in the water system
3. Records of the person or business who sold, installed or constructed the diversion works
4. Written record of when a home was established on the property
5. Some other evidence to support when Domestic usage began on the property

If you have any questions, please feel free to call me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

Phone (208) 762-2800

Fax (208) 762-2819

Christopher.holmes@idwr.idaho.gov