

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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Claim ID: 97-7357

Date Received: 10/18/2021

Receipt No: N037679

Claim Fee: \$66.00 By: JH

RECEIVED

OCT 18 2021

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DWR / NORTH

Please type or print clearly

- Name of claimant(s) ELKINS REEDER TERRACE UTILITY ASSOCIATION Phone (509) 991-7445
Mailing address 5622 W Gray Heron Ln Spokane WA Zip 99208
Street or Box City State
Email address (optional) philkonynenbelt@gmail.com
- Date of priority: (Only one per claim) May 18, 1995 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (☒) or Other (☐) (a) _____
which is tributary to (b) _____
- a. Location of point of diversion is: Township 61N, Range 04W, Section 19,
NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP054030000WLAA
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 _____
- 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.
See license.

6. Water is claimed for the following purposes:

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

For Domestic purposes from 1/1 to 12/31 amount .14 or 9

For Irrigation purposes from 4/1 to 10/31 amount .05 or 5.1

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .14 (cfs) and/or (b) 14.1 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 15 homes, 1.7 acres of irrigation

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	
61N	04W	19													.8			.9	1.7
																		L6	

Parcel no(s). See Map Total number of acres irrigated 1.7

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

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 (✓)

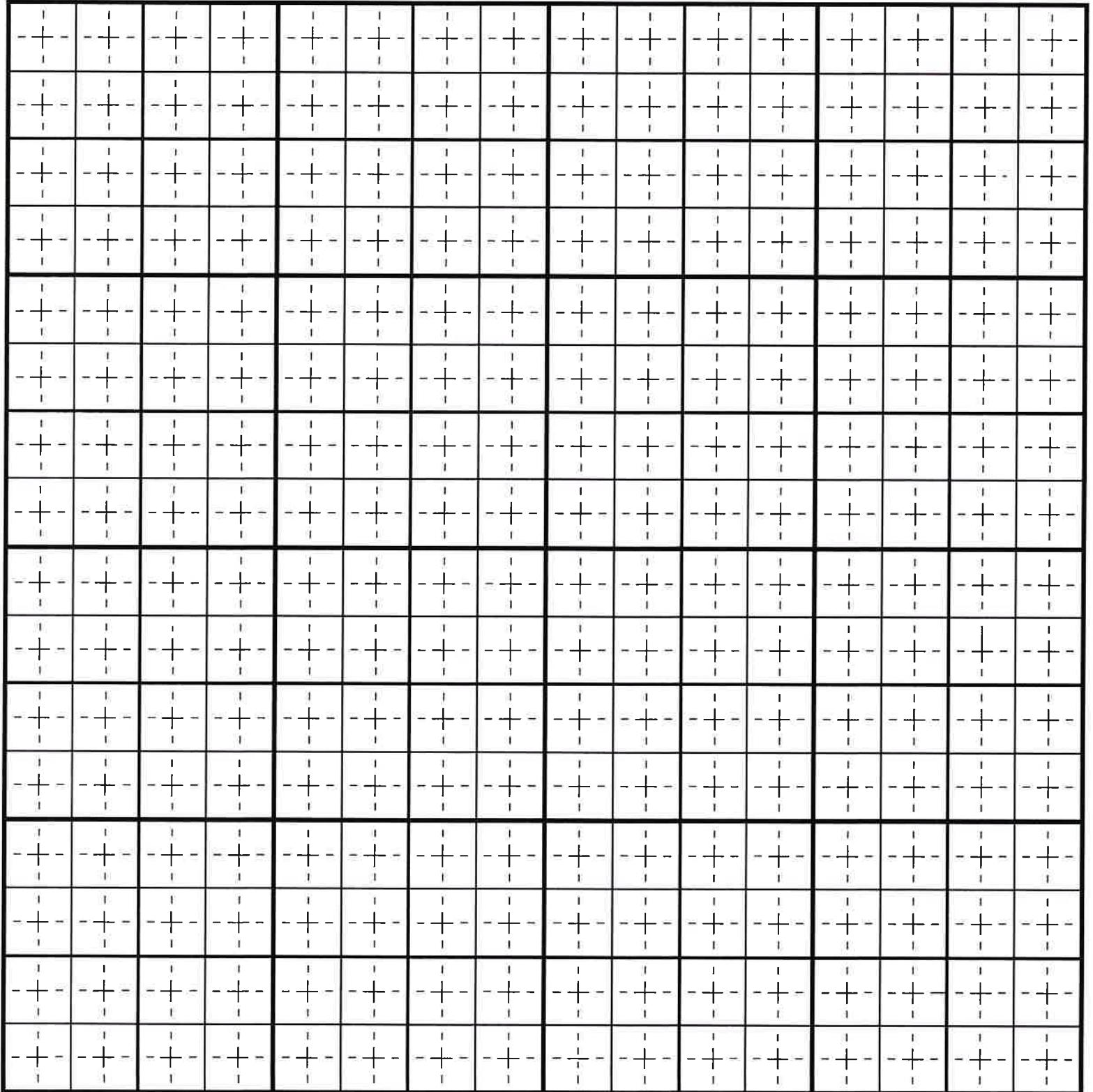
13. Remarks (Include an explanation of the priority date selected):

See license. Claimant is the Homeowner's Association that is the organization supplying the uses on this claim to the property owners. See map.

Name of claimant(s) 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) _____ 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 97-7357

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 Clark Fork-Pend Oreille 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: _____

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.

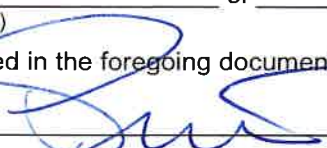
Signature of Claimant (s) _____ Date: _____

_____ 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

President _____ of ELKINS REEDER TERRACE UTILITY ASSOCIATION,
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 10/18/2021

Printed Name of Authorized Agent Phil Konynenbelt

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 _____

CPRBA CLAIM 97-7357

PARCELS SUPPLIED BY LICENSE



ERTUA Annual Meeting
Dennis and Beth Aho deck
August 7, 2021

1. *President*, Dennis Aho called the meeting to order at 10:15 AM. Everyone was introduced.

Present: Dennis and Beth Aho, Jerry and Judy Zweifel, Jana Knutson, Callie Moore, Gil and Beth Miller, Dennis and Kathy Truesdale, Phil Konynenbelt, Steve and Brenda Ramsey, Lance and Cynthia Muncey, Matt and Micaela Jaime, Nancy Chappell, Dena Chappell.

Guests: Gary and Jill Funaro (Elkins Reeder Acres lot owner)

2. *Election of Officers:*

Callie moved to elect Phil Konynenbelt as President, Nancy seconded the motion and it was carried.

Nancy moved to reelect Steve Chappell as Vice President, Gil seconded the motion and it was carried.

Callie moved to elect Cynthia Muncey as Secretary, Kathy seconded the motion and it was carried.

Judy moved to elect Lance Muncey as Treasurer, Callie seconded the motion and it was carried.

3. *Minutes of 2020 ERTUA Meeting:*

Copies of the 2020 minutes were passed out. It was unanimous in favor to dispense reading of the 2020 minutes. Dennis Truesdale made a motion to accept the minutes of the last meeting. Judy Zweifel seconded the motion and it was carried.

4. *Treasurer's Report:*

Nancy emailed a copy of the 2020/2021 Treasurer's Report to all lot owners prior to the meeting.

The major expense was the replacement of the bridge, which cost \$53,966.72. A total of \$33,100 was collected this year through dues and assessments, and the majority went towards the bridge replacement expenses. There were no other major expenses. All assessments have been paid in full. No dust control was performed this year, which usually costs about \$1800. A bad snow year costs \$2000-3000 for snow removal. Currently there is \$3790.34 in the bank account.

Last year the fee was \$75 per year for lot owners hooked up to the well to pay for the well electricity. Looking back at the well expenses for the last year Nancy recommended reducing the fee to \$50.

Beth Aho made a motion to accept the treasurer's report, Phil Konynenbelt seconded the motion and it was carried.

5. *Architectural Report:*

Dennis Aho reported one plan has been submitted and approved for Lot 2.

The 2020/2021 Architectural Board members agreed to continue to serve for 2021/2022: Dennis Aho, Dennis Truesdale, Phil Konynenbelt, Jeff McKee. Gil Miller volunteered to serve as well.

Callie Moore made a motion to accept Dennis Aho, Dennis Truesdale, Phil Konynenbelt, Jeff McKee and Gil Miller as Architectural Board members. Lance Muncey seconded the motion and it was carried.

6. *Old Business:*

A) *Dennis Truesdale reported on the completed Shadow Brook Drive bridge replacement.*

TruNorth Steel of Missoula, Montana was chosen to build and install the bridge. The total cost to replace the bridge was \$53,966.72. To build and deliver the bridge was \$33,071.72, and installation and removal/disposal of old bridge was \$20,895. The bridge project was delivered and installed on budget.

The bridge removal and replacement, and rebuild of abutments were completed in 5 working days. The new bridge was available to use the afternoon of April 28. The road level has been raised 18 inches and is more level and accessible than before. At least four truckloads of crushed gravel were laid and compacted on the bridge and road surface.

The old bridge was removed and was reported to be more rotted and weakened than we may have been aware.

This bridge is a highway legal rated bridge, steel construction, rated 45 ton truck rating, or 90,000 pounds.

This was a very large project undertaken by Dennis Truesdale, Phil Konynenbelt, Dennis Aho, and Jeff McKee. Thank you to this committee for your time and contribution to the community's new bridge.

B) *Formal vote on combining both Associations:*

Dennis Aho provided the CC&R's for both Elkins Reeder Terrace and Elkins Reeder Acres to a lawyer, who suggested the associations be combined without any exclusions (inherit road, well, etc) and have a mutual agreement.

The history of why these two communities are separate and have separate CC&Rs is these two communities were developed at different times. Each community has its own well, with 2 lots from Elkins Reeder Acres served by water from the well in Elkins Reeder Terrace.

Benefits of combining the associations and becoming one community would be more lots paying in assessments towards the mutual expenses of water, road and insurance.

Gil Miller asked if the Elkins Reeder Acres well water had been tested. Cynthia Muncey is unaware of any testing of the well water to date, though Heidi Potter had volunteered to get the water tested earlier this year. Cynthia will follow up with Heidi.

Callie Brown asked how the Elkins Reeder Acres well pump is doing, and if there is a generator for it. Cynthia Muncey reported that the well had a small leak from a pipe in the vault last fall that was repaired, and the well was determined to be functioning properly. In June of this year the repaired area was leaking and the part replaced at no additional charge, and the well determined to be functioning properly. No, there is not a generator for the well.

A motion was made by Judy Zweifel to invite Elkins Reeder Acres to join Elkins Reeder Terrace Utility Association. Callie Moore seconded the motion and it was carried.

Elkins Reeder Acres members voted Board of Directors and positions by majority vote. John & Tarna McCurtain voted by proxy (held by Dennis Aho).

President – Gary Funaro

Vice President – Dennis Aho

Secretary – Cynthia Muncey
Treasurer – Lance Muncey

Elkins Reeder Acres member Lance Muncey made a motion for Elkins Reeder Acres to accept the invitation to join Elkins Reeder Terrace Utility Association. Jill Funaro seconded the motion and it was carried.

Cynthia Muncey will contact Brian Elkins to start the transfer of the funds in the Wells Fargo checking account to the Elkins Reeder Acres Treasurer.

7. *New Business:*

- A) *Assign a person or committee to review the CC&Rs and help create one association.*

The question was raised if the CC&R's will need amendments or be re-written for the associations to combine. Phil Konynenbelt will report back after he explores this question with an attorney.

- B) *Spend money on dust control?*

Dennis Truesdale noted that salt derived forms of dust control products are caustic to the new steel bridge. The alternative is a wood derivative and is messy and oily. Dennis T. also suggested a few truckloads of crushed gravel first from the bridge to Cougar Gulch, noting that area is more dirt than gravel.

Gil Miller made a motion to treat the road next spring. The motion was seconded by Phil Konynenbelt and it was carried.

- C) *Should we consider a fall clean-up day of brush along the road?*

It was unanimously decided not to have a fall clean-up day since unable to burn the debris due to dry conditions and fire restrictions.

- D) *Garbage Dumpster*

Phil Konynenbelt proposed a garbage dumpster for use by our community. Location was discussed and proposed to locate the dumpster on the well lot. Garbage pickup is on Mondays, with service only during peak season (5 months of the year). The price breaks down to less than \$47 per lot for the year.

8 yard dumpster cost:	Peak	\$168 per month
	Offpeak	\$34 per month
	Delivery of dumpster	\$246 (one time fee)

Concern was expressed about visibility of the dumpster. It was agreed to look at options to minimize visibility of the dumpster to homeowners.

Phil K. made a motion to propose Waste Management service with an 8 yard dumpster to be located on the well lot starting next May 2022. Association pays, including delivery fee. Motion was seconded by Beth Aho and it was carried.

Votes: Yes – 5, No – 3

8. *Assessment Fees for 2021/2022*

A) *Maintain, raise or lower fees?*

The base assessment is \$400, plus \$75 for those connected to the water. Nancy proposed a decrease to \$50 for the water since well expenses have been consistently less than expected for the past year.

Judy Zweifel made a motion to continue the \$400 base assessment and decrease the water assessment to \$50 for all lot owners connected to the water for 2021/2022. Dennis Truesdale seconded the motion and it was carried.

B) *Do we establish a cap on the savings account?*

Dennis Aho noted there is water infrastructure that needs to be maintained and will one day require repairs or replacement. It was unanimously decided not to establish a cap on the savings account at this time.

9. *Announcements:*

Gil Miller would like to remove the electrical pedestal that served the now defunct septic drain field. Discussion ensued that electricity may still be running through the pedestal and that issue would need to be resolved first. Agreed that this can be removed but how to do this was not determined.

Gil Miller and family would like to extend their thanks to the community for their cooperation during the wedding celebration of their granddaughter at their cabin the weekend of July 10th.

10. *Adjournement:*

Next meeting will be at the Moore cabin on August 6, 2022.

The Zweifel's offered to be a back-up host.

An updated list of names and addresses are attached.

Thanks to Dennis and Beth Aho for hosting the meeting.

Respectfully,
Cynthia Muncey, Secretary