

Wayne L. Olson

1051 John Ruby Road
Moscow, ID 83843
208-596-6133

RECEIVED

DEC 01 2021

IDWR/NORTH

December 1, 2021

Mr. Evan Roda
Water Rights Supervisor
Idaho Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Re: Basis of Claim – Statutory Water Right # 87-10075

Dear Mr. Roda:

We have had many back and forth meetings, discussions and paperwork on the Statutory Water Right #87-10075 of which I filed on, and was granted on 10/09/2013 according to Idaho Department of Water Resources Records. The latest document I have from you is April 30, 2021 regarding this Statutory Water Right #87-10075.

On May 22, 2018 Keith & Heidi Kopf purchased only the home at 1049 John Ruby Road. The original well is located on land that has been in my family for several generations, ownership which I still retain.

From the beginning, I had looked to retain ownership of Statutory Water Right #87-10075, not only for myself but for the family lands and only physically give Keith and Heidi water from the original well on these properties until they drilled their own well(s) to serve their water needs. Their second well which they drilled on September 30, 2019 and was put into operation in October 2019 serves their needs today.

Factually, in October 2019, they themselves turned off the valve located in their well pit situated alongside their newest well to the water line which ran from the old original well on my property.

Within our Purchase and Sale agreement of May 22, 2018, Paragraph 5, page 2 states that the water line can be totally disconnected from their water system with 60 days written notice. Notice was written and sent on Tuesday, August 31, 2021 via Certified Mail. The letter was delivered on 9/13/2021.

On November 17, 2021 as documented with photos, as I cleaned up the plumbing in the original well house, I removed the water line to the Kopf water system which is now totally disconnected and discarded.

This shows intent of retaining of the Statutory Water Rights of # 87-10075 from before and during the sale to Keith & Heidi Kopf. I would request the removal of Keith & Heidi Kopf name from Statutory Water Right of #87-10075 and re-instatement of that water right to my property and my name.

Sincerely,

A handwritten signature in cursive script that reads "Wayne L. Olson".

Wayne L. Olson

Enclosures:

1. Real Estate Purchase and Sale Agreement, page 2 dated May 22, 2018
2. Certified letter to Keith and Heidi Kopf, dated August 31, 2021
3. Proof of delivery of letter dated September 13, 2021
4. Photo showing water line connection to joint water distribution system
5. Photo showing water line removed from joint water distribution system

4. ITEMS INCLUDED IN THIS SALE: All existing fixtures and fittings that are attached to the property are INCLUDED IN THE PURCHASE PRICE (unless excluded below), and shall be transferred free of liens. These include, but are not limited to, all attached floor coverings, attached television antennae, satellite dish and receiving equipment, attached plumbing, bathroom and lighting fixtures, window screens, screen doors, storm windows, storm doors, window coverings, garage door opener(s) and _____ transmitter(s), exterior trees, plants or shrubbery, water heating apparatus and fixtures, attached fireplace equipment, awnings, ventilating, cooling and heating systems, built-in and "drop-in" ranges (but excepting all other ranges), fuel tanks and irrigation fixtures and equipment, and any and all, if any, water and water rights, and any and all, if any, ditches and ditch rights that are appurtenant thereto that are now on or used in connection with the premises and shall be included in the sale unless otherwise provided: N/A.

5. ADDITIONAL TERMS AND/OR CONDITIONS: The property being sold has one well on it which is interconnected through the water lines to a well on property being retained by Seller, Wayne L. Olson. The parties will enter into an independent agreement setting out that the two wells can be separated at any time by a sixty-day notice to the other party of the upcoming separation. Both wells currently function independently from each other, with the exception of the joint distribution system.

6. ITEMS SPECIFICALLY EXCLUDED FROM THIS SALE:

All personal items within the home

All three (3) solar projects in total to be removed down to the generator transfer switches and disconnects (on the two large projects) which will be left in place. Roofing panels which have been compromised by previous placement of solar panel racks will be replaced by Seller.

All the contents, shelving and benches within the "old shop and old shop storage area"

All stored agricultural chemicals, shop tools and welding equipment within the "large shop"

All contents of the "new storage area" located with the "large shop"

All tractors (8N and John Deere garden tractor) and attachments

Nancy Russell and Ron Hall's travel trailer

Lawn and gardening tools including hoses and hose stands/reels

Wood concrete forms

Old Water windmill

Flatbed trailer

Old farm equipment at the bottom of the driveway and by the trees

Clothes washer and dryer

Large freezer

7. SELLER'S PROPERTY DISCLOSURE FORM: Seller's Property Disclosure Form is attached.

8. INSPECTION: Buyers' acceptance of the condition of the property is a contingency of this Agreement. Buyers shall have the right to conduct inspections, investigations, tests, surveys and other studies ("inspections") at Buyer's expense. Buyers shall, within 10 business day(s), complete these inspections and give to Seller written notice of items disapproved of. Buyers are strongly advised to exercise these rights and to make Buyers' own selection of professionals with appropriate qualifications to conduct inspections of the entire property.

SATISFACTION/REMOVAL OF INSPECTION CONTINGENCIES:

1. If Buyers do not within the strict time period specified give to Seller written notice of items disapproved of, Buyers shall conclusively be deemed to have: (a) completed all inspections, investigations, review of applicable documents and disclosures; (b) elected to proceed with the transaction

Tuesday, August 31, 2021

Keith and Heidi Kopf
6952 State Route 270
Pullman, WA 99163

Re: Update on Irrigation / Termination of Well Use

Dear Keith and Heidi:

As of this last Saturday, I finished the installation of the sprinkler system. My next step is replacement of the water supply / pressure pump from a one-half horsepower pump to a 1.5 horsepower pump which is currently in the well house of the original well below my home. While I am installing the new pumping system, I will be cleaning up old wiring and old plumbing.

As you know, the original well for the O'Donnell property is located on my property and provides water service for my home and surrounding property. Since you have installed a new well and water system which provides water service to your home and property, and since the water line between the original well and your water system is no longer in use, pursuant to Paragraph 5 of our Purchase and Sale Agreement, I am providing you with sixty (60) days written notice of the disconnection / separation of your water system from the original well on my property.

Best Regards,

A handwritten signature in dark ink, appearing to read "Wayne L. Olson". The signature is fluid and cursive, with the first name "Wayne" being the most prominent.

Wayne L. Olson

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USPS Tracking Intranet

Delivery Signature and Address

Tracking Number: 7019 0160 0000 4283 4982

This item was delivered on 09/13/2021 at 15:47:00

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Signature	Signature X	
	Printed Name	Heidi L Kapt
Address	Delivery Address	SCF52 SR 270 Pullman

Enter up to 35 items separated by commas.

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3. Proof of delivery of letter dated September 13, 2021



4. Photo showing water line connection to joint water distribution system



5. Photo showing water line removed from joint water distribution system

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT - Idaho Ranch / Old well 1897

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Wayne Lewis Olson
(Name of Claimant)

Mailing Address: P.O. Box 8934 Moscow, ID 83843 / 1051 John Ruby Road Moscow

Telephone No: (208) 596-6133 Email: olson.wayne.moscow@gmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) Hand Dug well 1897
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
ground water tributary to N/A

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity (cfs or af)	Use (Irrigation, Domestic, Stock, Etc.)	Period of Use From (MM/DD) to (MM/DD)
Quantity <u>Domestic</u>	Use <u>Domestic</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity <u>.04 cfs</u>	Use <u>Stock</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity <u>.04 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u> to <u>11/15</u>

4. .23 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE SW Govt. Lot
Sec. 25 Township T40N Range R06W B.M., Latah County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

• Well Pump - 1/3 HP
• 3,000 gal storage - under ground
• Pressure pump - 1.5 HP
• Pipe line - 2 inch

• Old Well - 1897 & New well 1973 are connected together

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESCLAIM TO A WATER RIGHT - Idaho Ranch 1973 Well

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Wayne Louis Olson
(Name of Claimant)
Mailing Address: P.O. Box 8934 Moscow, ID 83843 / 1049 John Ruby Road Mos
Telephone No: (208) 596-6133 Email: olson.wayne.moscow@gmail

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) October 1973
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
ground water tributary to N/A

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive)	
			(MM/DD)	(MM/DD)
Quantity	<u>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>01/01</u>	to <u>12/31</u>
Quantity	<u>.04 cfs</u>	Use <u>Stock</u>	Period of Use From <u>01/01</u>	to <u>12/31</u>
Quantity	<u>.15 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	to <u>11/15</u>
Quantity	<u>.</u>	Use <u></u>	Period of Use From <u></u>	to <u></u>

4. .23 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is 1/4 of NE 1/4 of SW 1/4, Govt. Lot
Sec. 25 Township T40N Range 06 W B.M., Latah County; additional points of diversion, if any:

B) Describe means of diversion of water. (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

- Well Pump - 1 Hp - 73 well
- 1,500 gal storage - above ground (1973 well)
- Pressure Pump - 1 Hp
- Pipe line - 2"
- New Well 1973 & old well 1897 are connected together

