

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
RECEIVED

CIVIL CASE NUMBER: 69576

Claim ID: 96-4481

Date Received: 2/22/22

Receipt No: NB 38461

Claim Fee: \$72.00 By: NS

FEB 22 2022

IDWR/NORTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Lewis Trust Phone (208) 266-1332
Mailing address 5192 River Rd Clark Fork ID 83811
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) January, 1923 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring
which is tributary to (b) Twin Creek
4. a. Location of point of diversion is: Township 55N, Range 03E, Section 30,
NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP55N03E309001A
Additional points of diversion, if any: 55n 03E 30 SESE
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.
Spring supplies 4 ponds. On the 2 larger ponds, each pond has its own impoundment to control outflow. Pump
is located at the end of the largest pond. Max depth of ponds is approximately 8 feet. All ponds are connected
by the same spring source.

b. water is claimed for the following purposes:

	(dates are inclusive MM-DD)	(cfs)	(acre-feet)
For <u>Wildlife Storage</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u> </u> or <u>18.1</u>			
For <u>Irrigation Storage</u> purposes from <u>1/1</u> to <u>12/31</u> amount <u> </u> or <u>57</u>			
For <u>Irrigation from Storage</u> purposes from <u>4/1</u> to <u>10/31</u> amount <u> </u> or <u>57</u>			
For <u> </u> purposes from <u> </u> to <u> </u> amount <u> </u> or <u> </u>			

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

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.

[illegible]

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

12. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

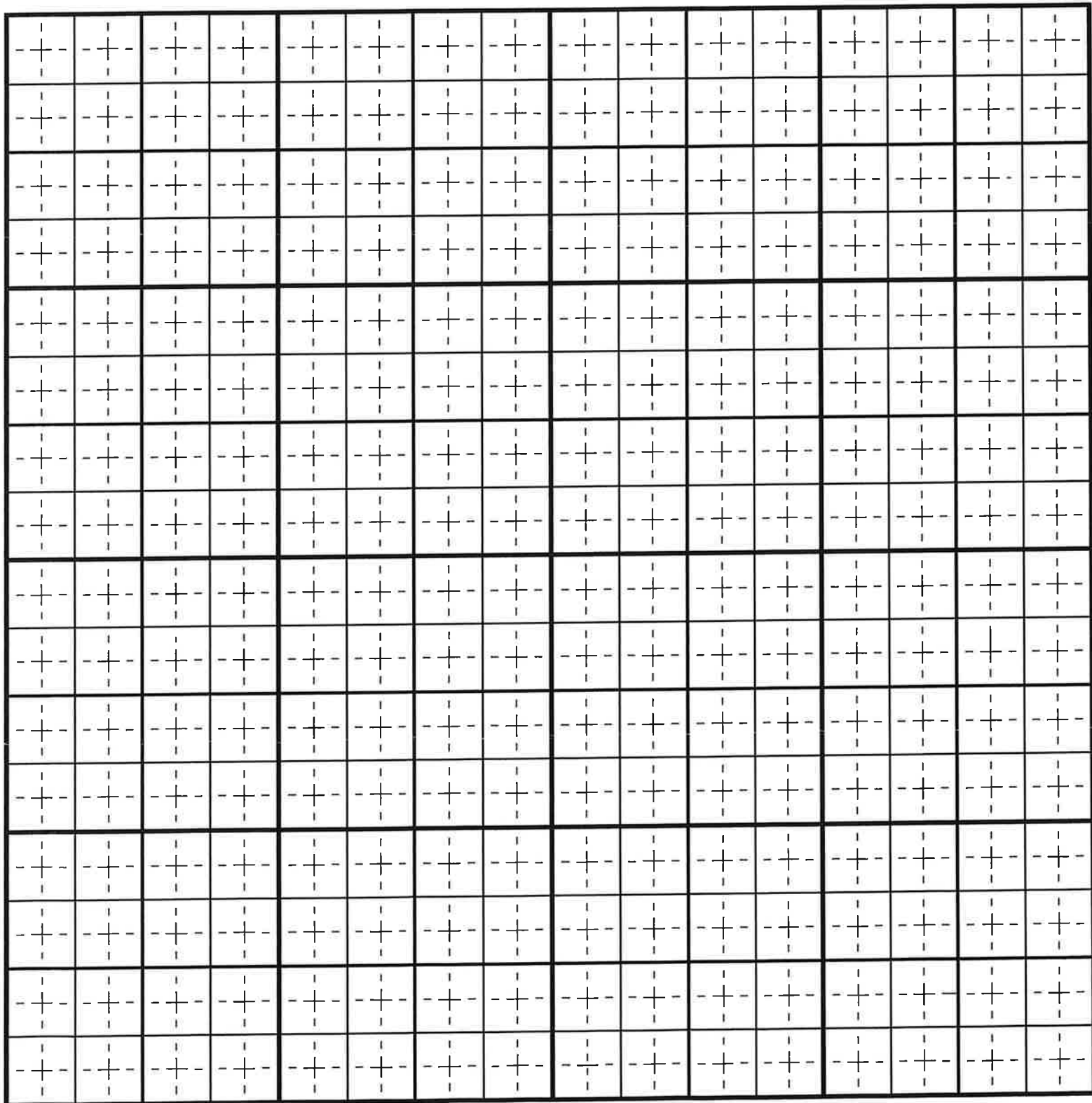
This is when the ponds were first used for irrigating the pasture, see statutory claim 96-4481. Earliest visible aerial image dated 9/28/1946 shows the open pasture used for irrigation. Documentation found in 96-4481 shows a water use agreement dating back to the early 1920s. See attachments.

Name of claimant(s) _____ Claim ID _____

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 96-4481

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: 4

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 Lewis 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 Myra Lewis Date 3/14/22

Printed Name of Authorized Agent Myra Lewis

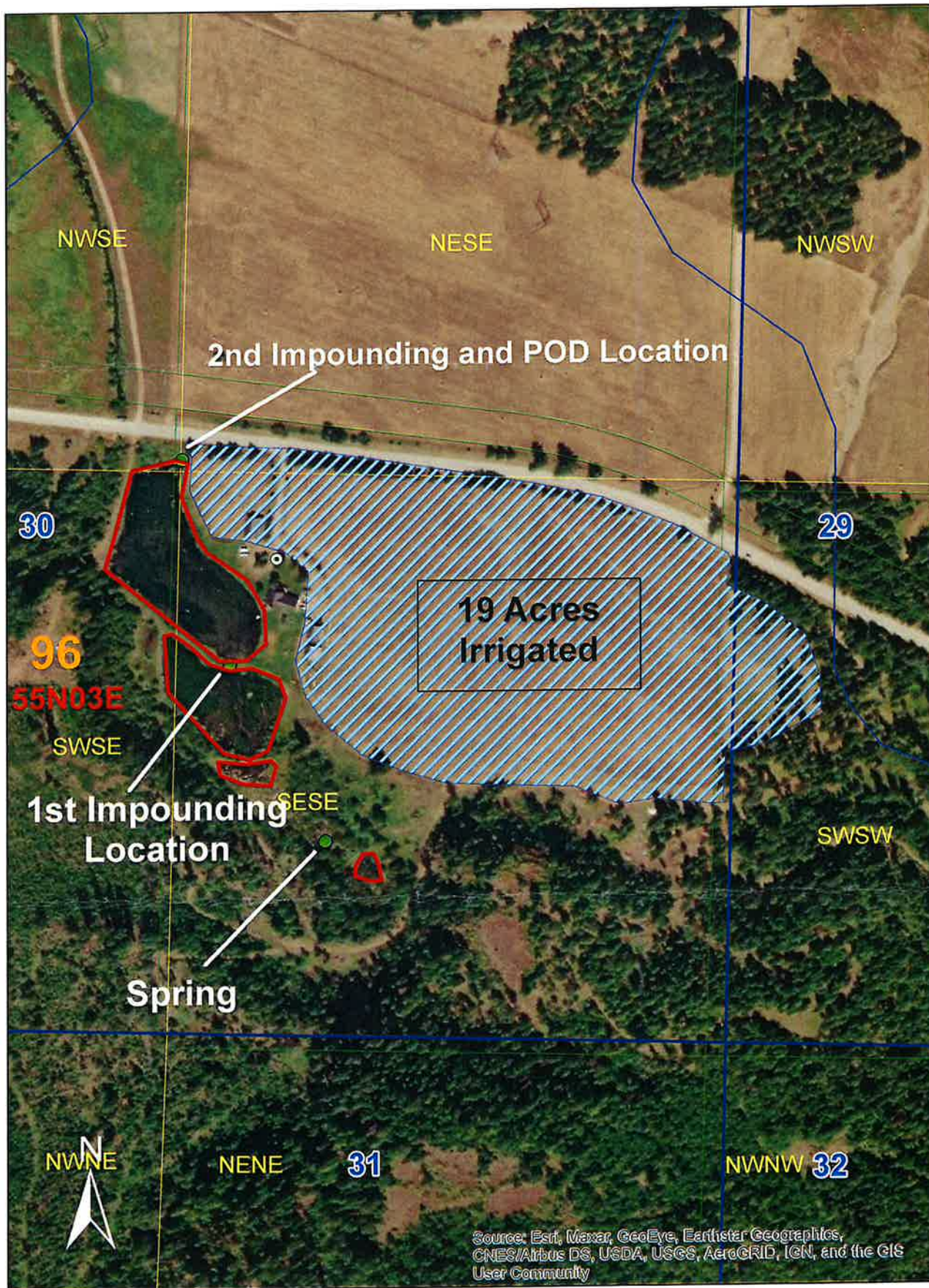
16. **Notice of Appearance:**

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) _____ Claim ID _____



Total Storage Calculations

FILE NUMBER	0
REVIEWER	Christopher Holmes
DATE	2/1/2022

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

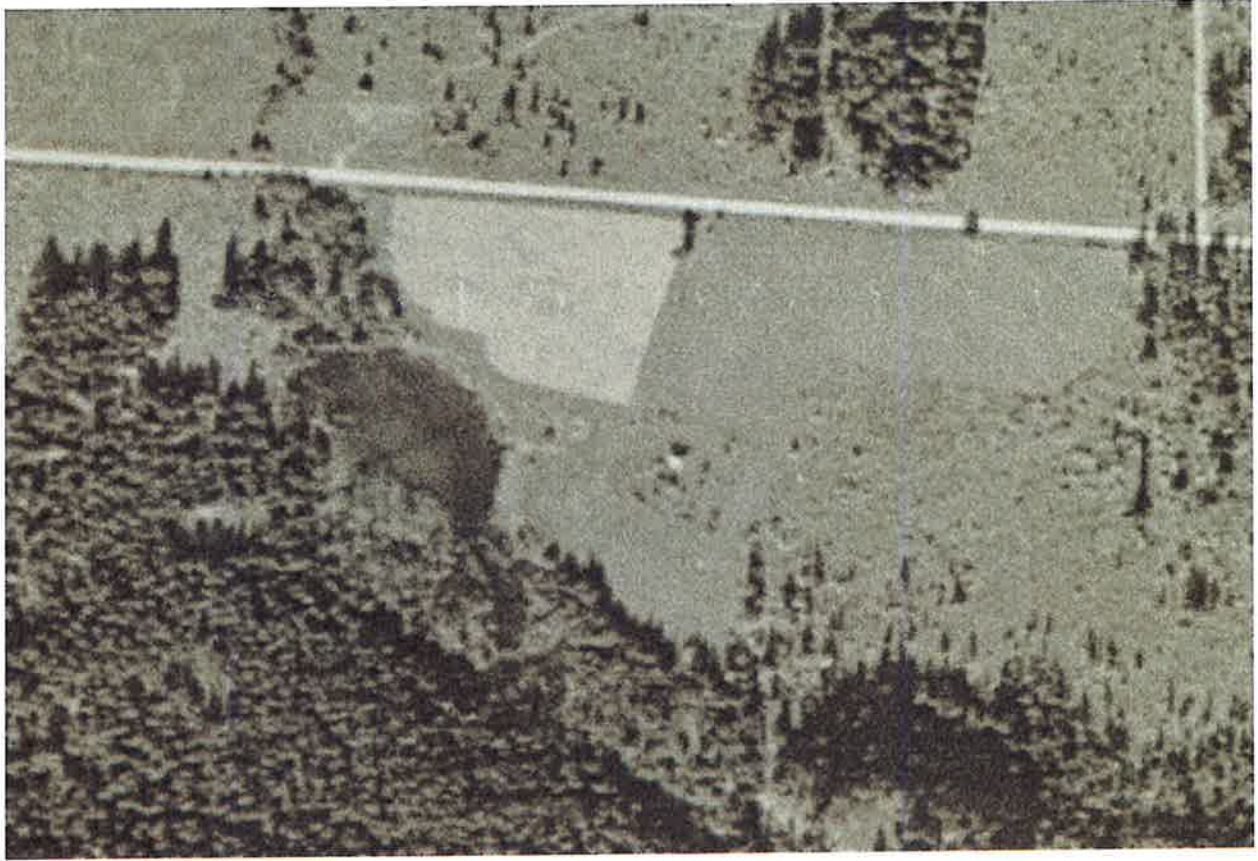
User Input
Calculated value
Formula Explanations

Surface Area (AC.)	3.39	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	3.2	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	10.8	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.

Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	57	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	3.7	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	3.6	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	75.1	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

96-4481

9/28/1946 Aerial Image



Obtained by <https://earthexplorer.usgs.gov/>

FROM COUNTY
ABOUT AS GOOD A COPY AS
WE CAN GET

POOR QUALITY ORIGINAL

12

AGREEMENT 146803

It is hereby mutually understood and agreed between JAMES A. KELLER and PATTI KELLER, husband and wife, First Parties; and ERNOLD ROHN and RUEN FARMS, INC., Second Party, that for and in consideration of the recitals herein, and \$1.00, receipt of which is acknowledged by Second Party, and other good and valuable consideration that certain water rights on property belonging to First Parties and Second Party also claiming rights in said water on the real property hereinafter described.

That First Party and Second Party are to take one cubic foot per second of water, each, from certain unnamed springs on Twin Creek located in Bonner County, Idaho, certain unnamed springs being the source of said water and said springs being located on First Parties' real property, and said streams flowing through Second Party's property, approximate flow from said springs being 4.5 c.f.s.

Any surplus water is to remain in the stream channels.

Any waste water from First Parties' irrigating is to go in the channel along the railway ditch as shown on the map attached hereto and made a part hereof.

In the event a third party to this agreement desires to take additional water from said unnamed springs, then the parties are to agree thereto. If they are unable to agree thereto, said dispute is to be handled by the appropriate authority under the laws of the State of Idaho.

First Parties further agree to irrigate via pump and pipe, and not by ditches, due to the soil conditions on their property.

Points of diversion by each party from the flow from said springs is to be on each party's own land.

The following is a description of the above described property:

E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 30; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30; said Springs being located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, all in Twp. 55 N., R. 3, East B.M., Bonner County, Idaho.

WITNESSES
JAMES A. KELLER, PATTI KELLER, ERNOLD ROHN, RUEN FARMS, INC.

B. Keller, Patti Keller, Ernold Rohn, Ruen Farms, Inc.

WITNESSES
JAMES A. KELLER, PATTI KELLER, ERNOLD ROHN, RUEN FARMS, INC.

Ernold Rohn, Ruen Farms, Inc.

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