

From: [Saxton, Craig](#)
To: THELEONARDPAULSTORE@GMAIL.COM; pegpsmith@gmail.com
Cc: [Alleman, Tammy](#); [Lenon, Dawn](#)
Subject: RE: Applications for Permit and Adjudication Claims
Date: Monday, March 28, 2022 11:12:00 AM
Attachments: [97-8132, 97-8133 WITHDRAWAL OF APPLICATION FOR PERMIT - Fees Notice of Claim.pdf](#)
[97-8133 NoticeOfClaim w-map & how you receive notice.pdf](#)
[97-4216 NoticeOfClaim w-map & how you receive notice.pdf](#)
[Receipt ID N037951.pdf](#)

Peggy,

I just wanted to follow up on the e-mail below.

After discussing your water use I believe my understanding was that you would withdraw two of the three Applications for permit that you filed and replace them with adjudication claims. You would keep the 3rd application for permit (97-8132) for development of the well that you thought you might hook up to the store system.

To summarize:

- Withdraw **Application for Permit** 97-8132
- File **Notice of Claim** 97-4216 (replaces application for permit 97-8132)
- Withdraw **Application for Permit** 97-8133
- File **Notice of Claim** to a Water right 97-8133 (replaces application for permit 97-8133)
- Keep **Application for Permit** 97-8134

I have attached the documents that need to be signed and submitted to IDWR. I will send this information in the regular mail as well.

Please don't hesitate to contact me with questions.

Respectfully,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
208.287.4916



From: Saxton, Craig

Sent: Friday, December 17, 2021 12:05 PM

To: THELEONARDPAULSTORE@GMAIL.COM; pegpsmith@gmail.com

Subject: Applications for Permit and Adjudication Claims

Hello Peggy,

I have attached the following documents:

House Well:

- **97-8133 NoticeOfClaim.docx** – This claim will replace Application for Permit 97-8133
- **97-8133_Claim_Map**
- <https://idwr.idaho.gov/wp-content/uploads/sites/2/adjudication/HOW-YOU-WILL-RECEIVE-NOTICES-IN-THE-CFPRBA.pdf>
 - When you sign the claim, it will ask you if you have read “HOW YOU WILL RECEIVE NOTICES IN THE CFPRBA. The above link is to that document.

Store Well:

- **97-4216 NoticeOfClaim.docx** – This claim will replace Application for permit 97-8132
 - I think you will want to claim this under the OLD claim number 97-4216. That is why it is different.
- **97-4216_Claim_Map**
- **97-4216 Original Statutory Claim** – For your reference only. You don't need to do anything with this document.
- <https://idwr.idaho.gov/wp-content/uploads/sites/2/adjudication/HOW-YOU-WILL-RECEIVE-NOTICES-IN-THE-CFPRBA.pdf>
 - When you sign the claim, it will ask you if you have read “HOW YOU WILL RECEIVE NOTICES IN THE CFPRBA. The above link is to that document.

For Both:

- **WITHDRAWAL OF APPLICATION FOR PERMIT - Fees Notice of Claim** – The most important thing about this document is your formal request to withdraw Application for Permits 97-8132 and 97-8133
- **Receipt ID N037951.pdf** – for your reference

Things to Note and Do:

I have attached many of the documents as WORD documents so you can modify them however you want. These are your claims, not mine, so make any changes you feel are appropriate. When ready, sign the claims and the withdrawal form and you can mail or e-mail the signed copies back to me.

- You had two e-mail addresses listed on the original Applications for permit. An e-mail address is tied to your contact record. I can put them both on one contact record, or if you have just

one that you want to use, let me know which one.

- Check the address and phone.

Store Well – 97-4216:

I filled in the priority date on the original statutory claim of 1906. But you don't have to use that. You can change it to 1926 if you want. Either way, the IDWR agent is reviewing your claim is going to need Evidence of priority to support the historic beneficial use. Tax records showing that the current or original store was in place could be used, old newspaper articles, affidavits from people who know the history (maybe whoever told you that it has been in place since 1926 could write an affidavit). Here is a link to a brochure about Evidence of Priority: <https://idwr.idaho.gov/wp-content/uploads/sites/2/adjudication/evidence-of-priority-pamphlet.pdf>

Feel free to contact me with any questions.

Thanks,

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
208.287.4916



**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

Ident. Number: 97-8133
Date Received: _____
Receipt No: N037951
Claim Fee: \$25.00
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

PEGGY SMITH
PO BOX 18
COOLIN ID 83821

Phone: (208) 946-7815

2. Date of Priority: 6/22/2003

3. Source:

GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
59N	04W	3	NE SW	4	BONNER	

5. Description of diverting works:

Well at 362 Sherwood Beach Loop, Coolin, ID 83821. Private residence

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	1 /1	12/31	0.04		

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

Year around residence single family home use.

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
59N	04W	3	NE		SW	4	

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Well completion date is 6/22/2003

13. Basis of Claim: Beneficial Use

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin 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: _____

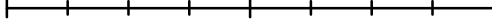
_____ Date: _____

State of Idaho
Department of Water Resources
Adjudication Claim
97-8133



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



**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

Ident. Number: 97-4216
Date Received: _____
Receipt No: N037951
Claim Fee: \$54.00
Received By: _____

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

1. Name of Claimant(s)

PEGGY SMITH
PO BOX 18
COOLIN ID 83821

Phone: (208) 946-7815

2. Date of Priority: 1/1/1906

3. Source:
GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	$\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$	Lot	County	Type
59N	04W	10	SW NW	2	BONNER	

5. Description of diverting works:

Well

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
COMMERCIAL	1/01	12/31	0.04		

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

The Leonard Paul Store

9. Place of use:

COMMERCIAL within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
59N	04W	10	SW		NW	2	

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Our understanding is that the well has ben in use since 1926. However, statutory claim 97-4216 lists the priority date as 1/1/1906.

13. Basis of Claim: Beneficial Use

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin 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: _____

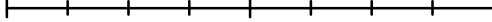
_____ Date: _____

State of Idaho
Department of Water Resources
Adjudication Claim
97-4216



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



HOW YOU WILL RECEIVE NOTICES IN THE CLARK FORK-PEND OREILLE RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Clark Fork-Pend Oreille River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/KRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Clark Fork-Pend Oreille River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

**REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT
WITH FILING FEES APPLIED TO NOTICE OF CLAIM**

Name of Applicant: _____

Mailing Address: _____

Receipt No.: N037951 Amount: \$300

Application No(s): 97-8132 & 97-8133

I/We hereby withdraw our Application for Permit to Appropriate the Public Waters of the State of Idaho which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing a Notice of Claim to a Water Right.

Comments: Application for Permit 97-8134 was also paid under Receipt N037951 and is not being withdrawn.

For Individuals:

_____ (Signature of Applicant)	_____ (Date)
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_____ (Signature of Applicant)	_____ (Date)
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For Organizations:

_____ (Signature of Authorized Agent)	_____ (Date)
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(Title)

(Name of Organization)

Return to:	Idaho Dept. of Water Resources 7600 N. Mineral Dr. Suite 100 Coeur d'Alene, ID 83815	or	Idaho Dept. of Water Resources Adjudication Section P.O. Box 83720 Boise, ID 83720-0098
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For IDWR Use

Approval	<u>Initials</u>	<u>Date</u>	
Data Entry	_____	_____	