

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: 96-7995

Date Received: 4-13-12

Receipt No: N038917

Claim Fee: \$51.00 By: NS

APR 14 2022

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/NORTH

Please type or print clearly

1. Name of claimant(s) Michael Gearlds, June A. Fogerty Phone (208) 264-1407
Mailing address P.O. Box 299 Hope Idaho Zip 83836
Street or Box City State
Email address (optional) mikegearlds@hotmail.com
2. Date of priority: (Only one per claim) August 13, 1981 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) unnamed stream
which is tributary to (b) Lake Pend Oreille
4. a. Location of point of diversion is: Township 56N, Range 2E, Section 7,
NE 1/4 of NW 1/4, Govt. Lot _____, BM, County of _____
Parcel no. RP56N02E072545A
Additional points of diversion, if any: _____
If available, GPS Coordinates 48 13' 14" N 116 15' 26" W
b. If instream flow, beginning point of claimed instream flow is:
Township 56N, Range 2E, Section 7, NE 1/4 of NW 1/4,
Govt. Lot _____, BM, County of Bonner
Ending point is: Township 56N, Range 2E, Section 7, NE 1/4 of NW 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.
~~Portable pump with hose and screened intake placed in rocky bed of unnamed stream. Deployed as needed~~
~~for irrigation and fire protection.~~

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 3/15 to 11/15 amount 0.02 or _____

For Fire protection purposes from 1/1 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) 3.0 annual volume (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Fire protection - lawn, tree and structure watering in case of wildfire

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	
56n	2E	7					1												1

Parcel no(s) RP56N02E072545A Total number of acres irrigated 1

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):

~~Priority date is based on Idaho Water Right License 96-7995, dated August 13, 1981. (copy attached)~~

Irrigation and fire protection amounts based on License 96-7995, which had a 0.02 cfs diversion limit at any one time and an annual volume of 3.0 acre-feet.

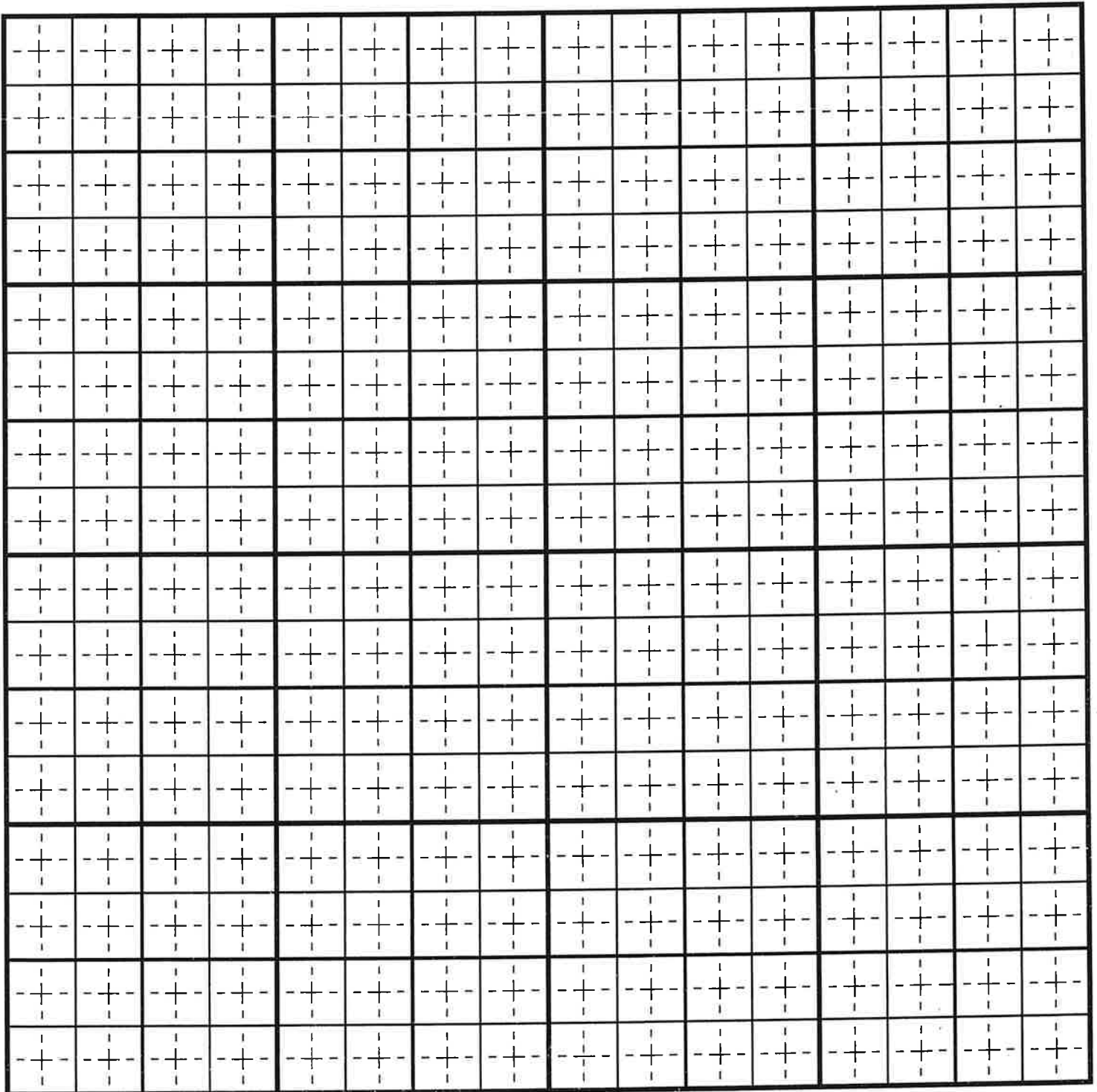
License 96-7995 succeeded previous lapsed License 96-7290, dated July 15, 1974.

Name of claimant(s) Gearlds, Fogerty 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

SEE ATTACHED MAP OF PROJECT



Name of claimant(s) Gearlds, Fogerty

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 96-7995

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: 2

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) Michael Gearlds Date: 4-8-22

June A. Fogerty Date: 4-08-2022

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

_____ of _____
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 _____

Printed Name of Authorized Agent _____

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) Gearlds, Fogerty Claim ID _____

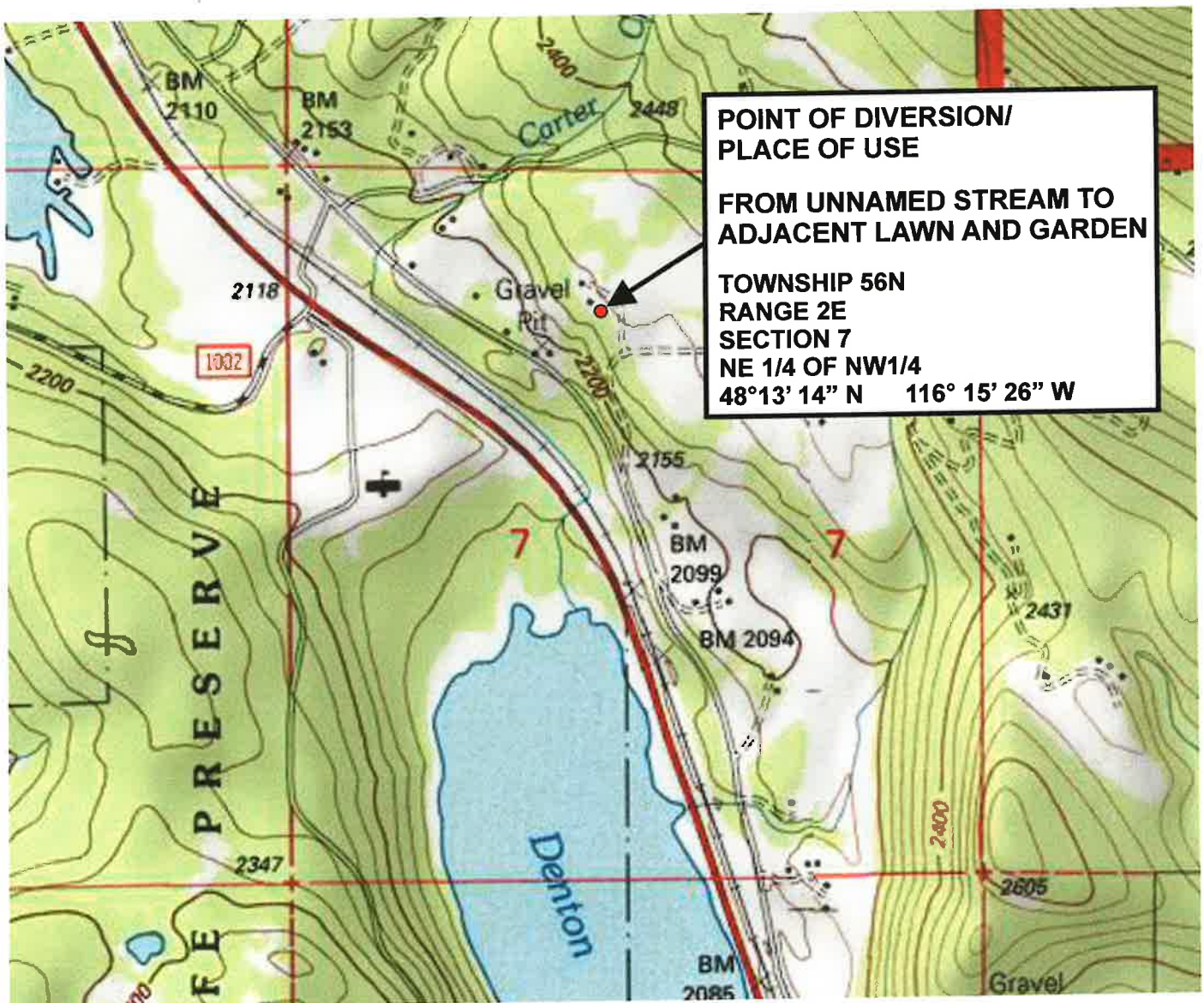
NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW ATTACHMENT 1 OF 2

Michael Gearlds and June A. Fogerty, owners

Parcel RP56N02E072545A

DATE OF PRIORITY: AUGUST 13, 1981

WATER RIGHT LICENSE 96-7995



MAP OF PROJECT

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
ATTACHMENT 2 OF 2**

Michael Gearlds and June A. Fogerty, owners

Parcel RP56N02E072545A

DATE OF PRIORITY: AUGUST 13, 1981

WATER RIGHT LICENSE 96-7995

**COPY OF
EXISTING WATER RIGHT LICENSE
96-7995
AUGUST 13, 1981**

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 96-7995 Priority August 13, 1981 Amount 0.02 cfs

THIS IS TO CERTIFY, that Arthur J. &/or Elsie C. Petersen
of Hope, Idaho, has complied with the terms and conditions of Permit
No. 96-7995 issued pursuant to Application for Permit dated August 13, 1981,
and has submitted proof to the Department of Water Resources on June 30, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from an unnamed stream,
tributary to Pend Oreille Lake, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>March 15</u> to <u>November 15</u> at <u>0.02</u> cfs and <u>3.0 acre feet</u>			
<u>Fire Protection</u> from <u>January 1</u> to <u>December 31</u> at <u>0.02</u> cfs and <u>N/A</u>			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7,
Twp 56N, Rge 2E in the County of Bonner

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
56N	2E	7					1												1

Total number of acres irrigated 1

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25TH day of April, 19 86.

Acting for the Director



Michael Gearlds
P.O. Box 299
Hope, ID 83836

208-264-1407
mikegearlds@hotmail.com

April 11, 2022

IDWR
Northern Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

To Whom It May Concern:

Enclosed please find two completed Noticed of Claim to a Water Right forms for my property.

- ▶ One is for a domestic water system supplied by a hand-dug well in use since 1895.
- ▶ One is for diversion and use from an unnamed stream for irrigation and fire protection.
This is based on an existing Water Right License, No. 96-7995.

Attachments include a water system view of the existing 1895 well, pump house and structures, a Map of Project for the stream diversion and a copy of License 96-7995.

The well dates from 1895, when the property was bought from the railroad and settled by a German immigrant, Robert Rose, who built the existing cedar log cabin and dug the well.

Since 1895, the well has continued to be the sole source of potable water for the cabin, which is no longer used as a residence, and a modern home built in 1994 and rebuilt/expanded in 1996 to its current layout. The well was improved with a concrete cistern in the 1920s.

Thank you for your attention in this matter. Please feel free to contact me if you have questions.


Michael Gearlds