

SEPT-17-2012

TO: CHERIE PALMER

FAX 208-287-6700

17 PAGES TOTAL

THANK-YOU FOR LOOKING AT OUR COMPLAINT ABOUT ILLEGAL USE OF THE WATER FROM THE SPRING ON OUR PROPERTY THAT WE HAVE TRANSFERRED AND FILED FROM DOMESTIC RIGHTS, THIS SPRING IS THE ONLY SOURCE OF WATER FOR OUR MODEST CABIN WE FINISHED LAST YEAR.

- 1- ENCLOSED IS OUR COMPLAINT LETTER SENT TO DEPT. OF WATER RESOURCES IN COEUR D'ALENE WHERE I WAS TOLD THAT WE WERE IN THEIR JURISDICTION, I WAS WORKING WITH KEITH FRANKLIN. PAGE 1 + 2

- 2- OUR PERMIT TO APPROPRIATE WATER PAGE 3

- 3- PAPERWORK I RECEIVED FROM THE BOISE OFFICE WHEN I STARTED TO INVESTIGATE WATER RIGHTS & WHO WAS ENTITLED TO THEM PAGE 4 - 12

- 4- THERE WAS NO RECORD OF TRANSFER OF OWNERSHIP OF ANY WATER RIGHTS BY MR. HOFFENREICH, INSTEAD HE WAS RELYING ON THIS QUITCLAIM DEED FOR THE AUTHORITY TO ACCESS AND USE THIS SPRING TO PUMP WATER TO AN EXTREMELY LARGE HOLDING TANK, AND IT IS OUR UNDERSTANDING HE ALSO PROVIDED DOMESTIC WATER SERVICE TO THE HOUSE ON THE LOT 11 (LARGE) ACCORDING TO THE STOCK WATER RIGHTS, THEY WERE SET AT 1 GALLON A MIN. THE QUITCLAIM DEED SIGNED BY MR. STEIGER & MR. HATCH DO NOT HAVE THE AUTHORITY TO ISSUE WATER RIGHTS, THAT IS THE STATES AUTHORITY. WE REALIZE WATER RIGHTS ARE TRANSFERRED WITH OWNERSHIP, WITH THE APPROPRIATE DOCUMENTATION, BUT WE MUST EMPHASIZE THERE IS ONLY STOCK, OF WHICH MR. HOFFENREICH HAS NONE, HE ORIGINALLY HAS TOLD US HE WAS GOING TO HAVE A HUGE FISHPOND.

5) ACCORDING TO ID. CO. POWER + LIGHT THE ELECTRICAL SERVICE THAT MR HOFFENREICH ACTIVATED TO PUMP WATER HAD BEEN INACTIVE SINCE MARCH 1990 AND NOT UNTIL WE BOUGHT THE PROPERTY IN 2006 WAS THERE ANY INTEREST IN THAT SPRING. (16 yrs)

AS I STATED ON THE PHONE THIS WATERLINE WAS NOT FUNCTIONAL. MR. HOFFENREICH HAS SINCE GOT IT FUNCTIONAL, PUMPS INTO A HUGE HOLDING TANK AND HAS NO STOCK (CATTLE OR HORSES) AND HE HAS BUILT ADDITIONAL RESIDENCES ON HIS PROPERTY AND OUR UNDERSTANDING IS THAT HE PLANS TO RUN A FAMILY BUSINESS.

I AM SURE YOU CAN UNDERSTAND OUR CONCERNS ABOUT THIS SPRING. THE WATER IS MINIMAL IN THE SUMMER MONTHS AND THIS IS OUR ONLY SOURCE OF WATER.

WE WOULD APPRECIATE ANY HELP IN RESOLVING THIS ONGOING MATTER. AND LOOK FOR TO HEARING FROM YOU

OUR RENTER'S HAVE BEEN INFORMED YOU ARE COMING OCT 2 IN THE A.M., THEY WILL BE THERE.

THEIR NAMES ARE KARLA + BOB
PHONE # 208-926-8862

THANK-YOU AGAIN

AL + JACKIE LEWIS
PH # 907-301-1972

SENT 12/10/08

To; Department of Water Resources
Northern Region
Coeur d' Alene, Idaho

December 5, 2008

Re; Illegal use of water rights @ spring located @ NW ¼ SE ¼ SW ¼ Sec14 Twp 32N
Rge 04E B.M Idaho Co.

To whom it may concern;

We have a spring located on our property that we purchased in March of 2006, located at the end of Longbluff Road in Kooskia Idaho.

At the time of our purchase there was a Stock only water right held by Tahoe Ranch, which this property is a parcel of, and a domestic water right held by Lloyd Mooers , #81-7133.

Because we were planning to build a new residence and wanted to use the spring for our water source we were told by your office it would be best to file for a new domestic water right although we thought that this may have been a homestead but couldn't prove it. We have done this and are in the final stages of approval. (#81-7133).

At the time that we purchased our property we discovered that there had been no transfer of ownership for the stock water right (81-4027) We filed the proper paper work and this has been corrected.. That now leaves us with 2 families that will have domestic water rights to the spring and Stock water rights for Tahoe Ranch. (Approved for 50 cattle & 10 horses #81-4027). This is where our problem arises.

The previous owners of Tahoe Ranch divided up some of the property and built a subdivision adjacent to us called the Longbluff Subdivision. We are enclosing a map of the subdivision to refer to. At some time there was a waterline put in from the spring up to the subdivision. We are not sure exactly what it fed because it was not in use at the time we purchased the property and hasn't been used for decades according to the gentleman we bought the property from. However, upon completion of our property purchase, finalized in April 2006, a neighbor, Tim Hoffenreich came onto our property, without introduction or permission and installed a pump in the spring and new power on a pole that had been installed by his previous owner. Tim owns the property at lot 8 of the Longbluff Subdivision. He has been aggressively repairing the waterline. We have had a confrontation with him about his water rights. He had originally told us he was going to build a steel cover for the cased spring and have the ability to lock it up and we told him no. He also informed us that he has a right to the water and that he is going to fill a reservoir on his property that he has stocked with fish. He has a well for domestic use. Upon investigation of water right issues we understand that he has a livestock water right to the spring because he is on the original Tahoe Ranch property and the water rights transfer with the land. However, he does not have cattle or horses and the last time we had checked he had not filed for domestic use or any other use and has also not transferred any rights.

Mr. Hoffenreich is illegally appropriating water to propagate fish and addition he has admitted the intent to allow the owner of the adjacent property to also use the water.

To: cherie Palmer

208-287-~~4944~~
6700

Missing Page.

We have not trespassed on anyone's property to check out the fish pond but why would he so actively pursue getting this line going when he already has an active domestic source of water?

We cannot afford to have this spring depleted. We have been careful to do everything that is required in order to have a legal right to the water in this spring. Your office was very specific about the use of the water from this spring. It is not for domestic use, irrigation, or fish propagation unless the proper water rights have been filed for.

As you drive down the road towards our place you will see on both sides of the road from Mr. Hoffenreich's place, areas where he has been working and installing some type of water line access to supply another household..

We would appreciate some help in resolving this issue. Again, we would like to let you know how concerned we are of destroying this spring for two households by pumping water to a fish pond.

It is also our understanding that he purchased his property and home in the late 80's or early 90's and that he had no interest in using this spring until we had purchased the property in March 2006.

We are asking you to investigate this situation and we would prefer that you put a stop to this.

Respectfully,

Allen R. & Jacqueline K. Lewis
300 Longbluff Road
Kooskia, Idaho

Our mailing address is: 7731 Our Own Lane
Anchorage, AK. 99516

We are enclosing a few pages that will give you some additional information that may be helpful. We do not have a phone installed yet but you may call our cell phone and leave a message and we will return your call. That number is 907-~~401~~-1975. Unfortunately it does not work in Kooskia but I can retrieve messages. 301-

enclosed

AFFIDAVIT OF WATER RIGHT
YELLOW HIGHLIGHTED MAP FROM BOISE
LETTER FROM POW, POWER CO. (ABOUT POLE)
TAHOE RANCH (WP) 50 CATTLE 10 HORSES
OUR EXTENSION
LONGBLUFF SUB MAP.

Pg 2

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-11988

Priority: November 20, 2006

Maximum Diversion Rate: 0.04 CFS

This is to certify, that ALLEN R LEWIS
7731 OUR OWN LN
ANCHORAGE AK 99516

And

JACQUELINE K LEWIS
7731 OUR OWN LN
ANCHORAGE AK 99516

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 32N, Rge 04E, B.M. IDAHO County

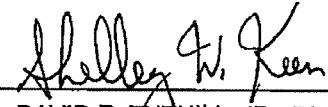
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
32N 04E 14	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2008**.
2. Subject to all prior water rights.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. Domestic use is for 1 home, 1 guest cabin and an outbuilding.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of July, 2007.


FOR DAVID R. TUTHILL, JR., Director

81-4027

- A letter from IDWR
to Stiegers telling
them that the domestic
uses were not part of
their water claim.
And new applications should

December 6, 1979

be filed for
new homes. Only
the Mothers have done
this for the spring on
your property.

Mr. Dale O. Cox
Attorney at Law
P. O. Box 666
Orofino, Idaho 83544

Re: Claim to a Water Right - Stiegers/Hatch

Dear Mr. Cox:

We are returning your Check No. 92-138 in the amount of \$20.00 and the Claim of Kenneth and Linda Stiegers and H. T. and Sharon Hatch. The quantity of water used for domestic must be separated from the quantity used for stock in Item No. 2. The number of homes that have been using the water continuously since 1900 must be listed in Item No. 6.b. Each claimant must personally sign the Claim or a Power of Attorney must accompany the document.

A Claim form is used to record water rights that do at this time exist. If you plan to build new homes and furnish them with water, as you indicate in Item 8, you must file an Application for Permit.

I have enclosed an Application for this purpose. If you have any questions, please do not hesitate to contact me.

Sincerely,

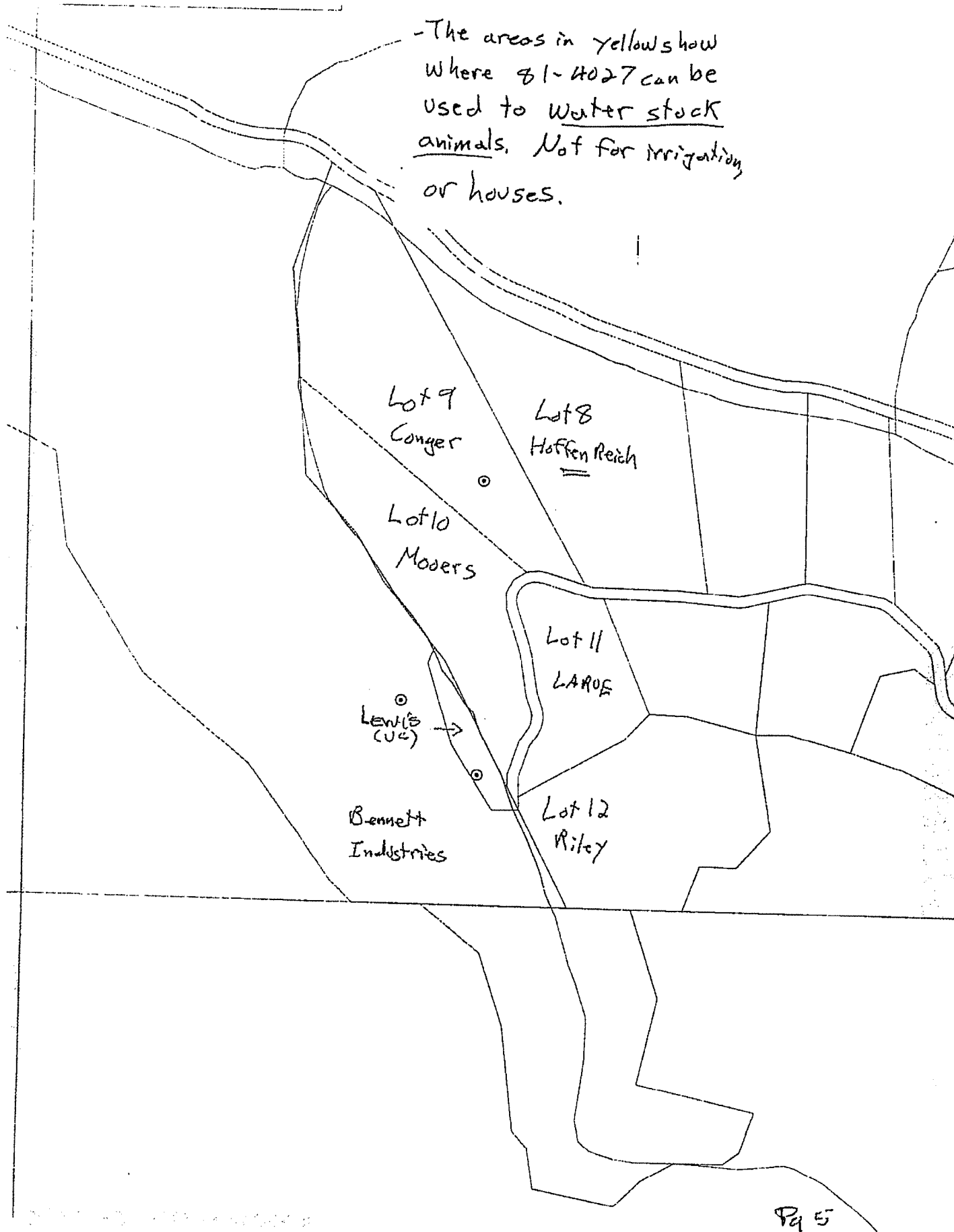
TOM D. KING, JR.
Senior Water Resource Agent

TDK/pms

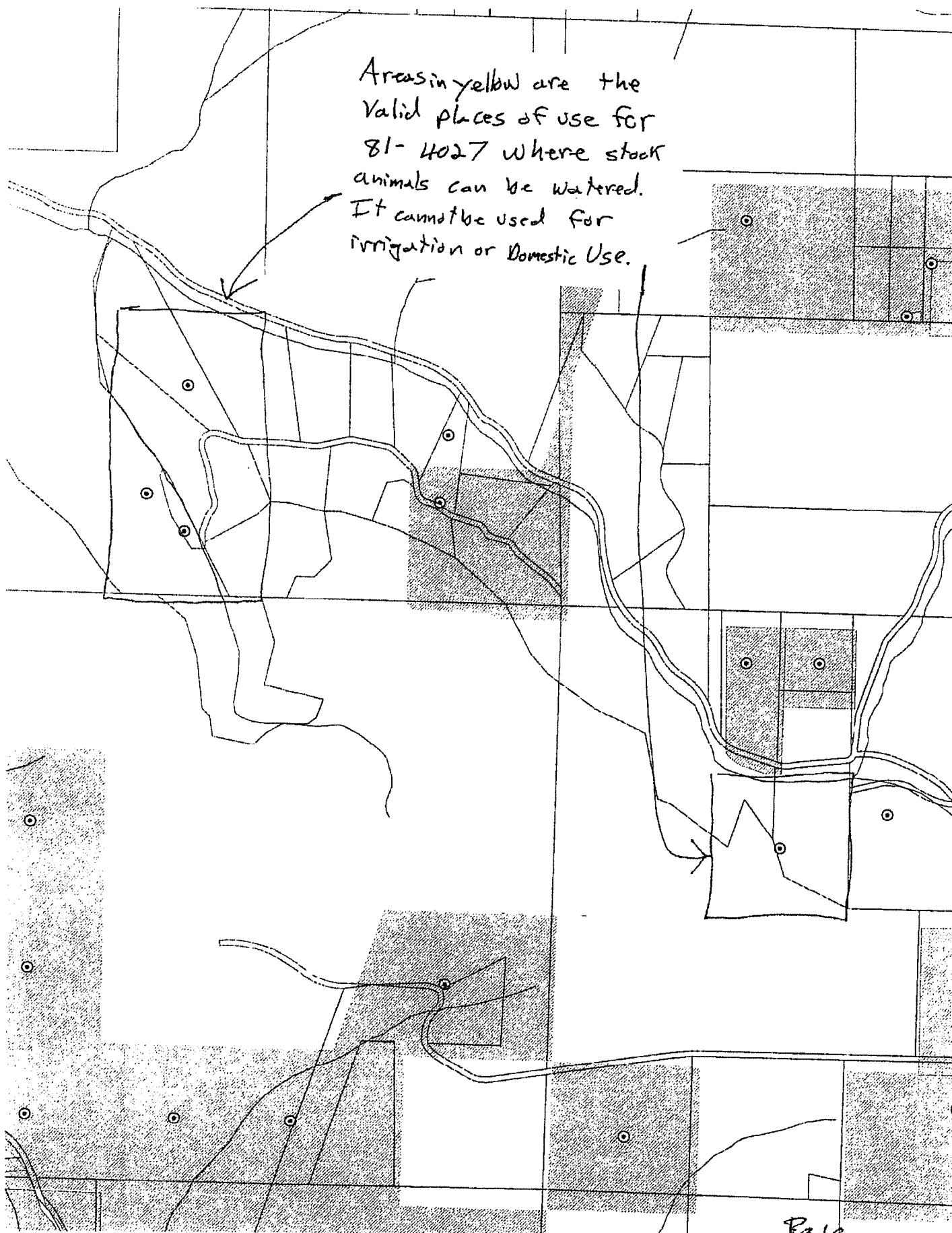
Enc. - Check
Claim
Application
Instructions

RECEIVED

-The areas in yellow show
where 81-4027 can be
used to water stock
animals. Not for irrigation
or houses.

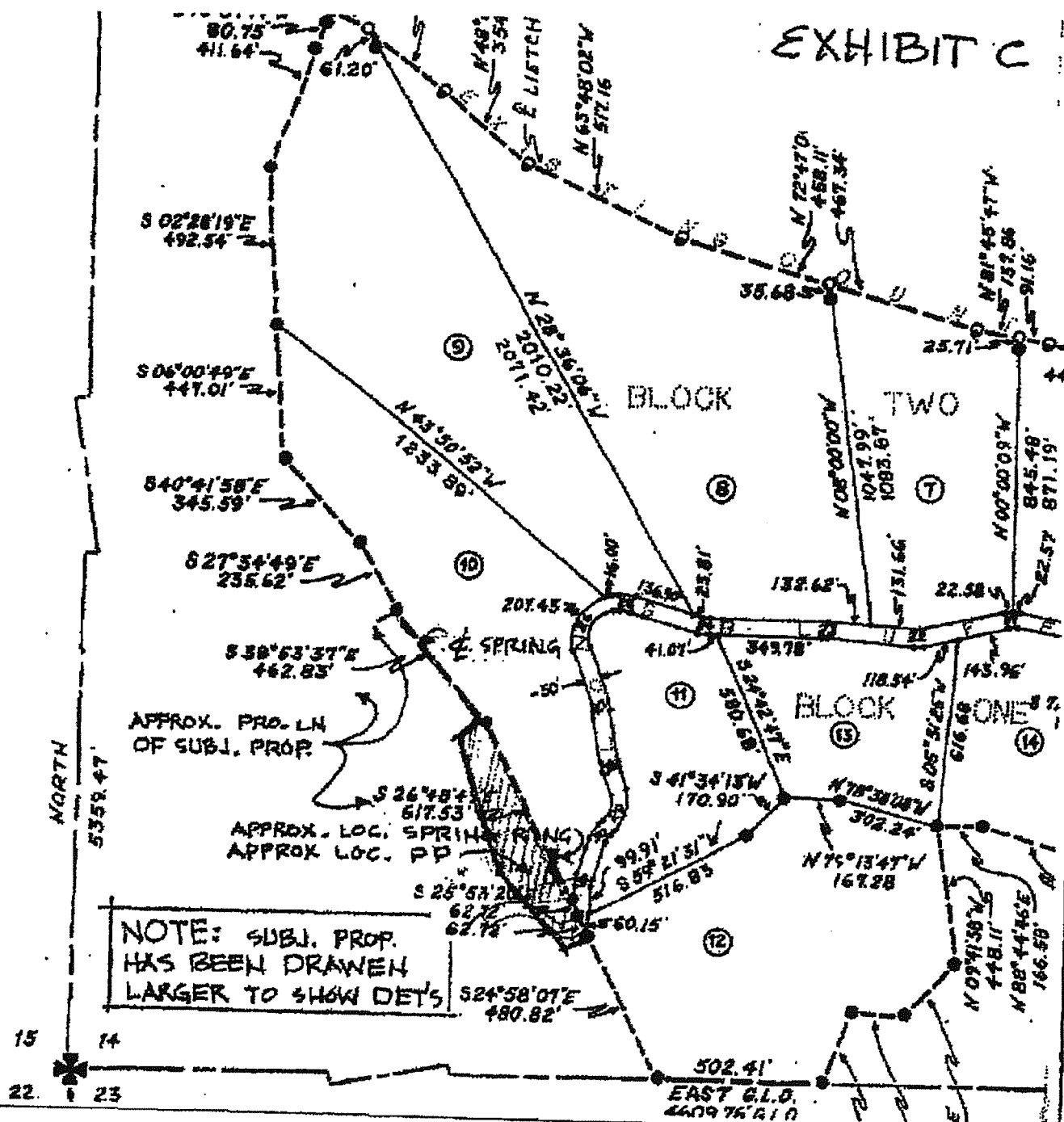


Areas in yellow are the
Valid places of use for
81-4027 where stock
animals can be watered.
It cannot be used for
irrigation or Domestic Use.



LONGBLUFF SUBDIVISION
TOWNSHIP 32 NORTH, RANGE 4 EAST, SECTION 14
BOISE MERIDIAN
IDAHO COUNTY, IDAHO
1979

EXHIBIT C



Tahoe Ranch water Right

claim # 8102119 in + 32NR 4E

Section

	Land description or claims
15	(3-springs) NESE (2-springs) SESE
22	(3-springs) NENE (2-springs) SENE
23	(2-springs) SWNW (2-springs) NWSE (1-spring) SESW (2-springs) SWSE
24	(2-springs) SWSW (6-springs) SWSW
26	(2-springs) NENE (2-springs) NWNE (2-springs) NENW (Linda Brown Land)

or # 8604130 ?
 Claim # 8104027 T32NR4E
 Section (Tributary of Leitel Creek)
 14 (Barnett Land) (1-spring) (2-spring) (John Oskorn) → LEWIS
 24 (1-spring) (watch Land)
 N E S W S E S W

○ = Tribal File claims
over existing water Right claim.

AJ5855NP

18

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 12, 1999

PAGE: 1

RIGHT NUMBER: 81-04027

NAME AND ADDRESS: TAHOE RANCH
RT 1 BOX 39
JULIAETTA ID 83535

SOURCE: SPRINGS TRIBUTARY: LEITCH CREEK

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 01/01/1900

POINT OF DIVERSION T32N R04E S14 NESW Within IDAHO County
SESW
S24 SENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within IDAHO County
T32N R04E S14 NESW SESW
S24 SENW

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NOS. 32N04E141211, 32N04E243166
STOCKWATER, 50 CATTLE, 10 HORSES

2000 AUG 18 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 81-04027

NAME AND ADDRESS: TAHOE RANCH
 RT 1 BOX 39
 JULIAETTA, ID 83535

SOURCE: SPRINGS **TRIBUTARY: LEITCH CREEK**

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION: T32N R04E S14 NESW Within Idaho County
 S24 SESW
 SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Idaho County
T32N R04E S14 NESW
S24 SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

water Rights

Kenneth Steigens

Source	First use and Date	current use	Rate of Flow		Joiner Stream or Subducts	Location Land description
			gal/min	C.F.S.		
Pring Baker	Domestic ≈ 1900	STeeld	4	.008	Joiner Stream	SESW Sec 14 T32N R4E
spring	Domestic ≈ 1900	STeeld	1	.002	Subducts	SE NW Sec 24 T32N R4E
Spring	STeeld ≈ 1900	"	3	.006	~~Joiner Stream~~	SWSW Sec 24 T32N R4E
well	Domestic 1949	Same	10	.02	No Runoff	NESE Sec 23 T32N R4E
Pring	Domestic ≈ 1900	STeeld	3	.006	Joiner Stream	Lot 4 (SWSE) Sec 23 T32N R4E
Pring	STeeld ≈ 1900	"	3	.006	Joiner Stream	Lot 8 (SWSE) Sec 23 T32N R4E
Pring ~~Domestic~~	Domestic ≈ 1900	STeeld	1	.002	Subducts	NESE Sec 23 T32N R4E
Spring	STeeld ≈ 1900	"	1	.002	"	SESW Sec 23 T32N R4E
Spring	"	"	2	.004	"	SWSW Sec 23 T32N R4E
Spring	"	"	2	.004	"	NWSE Sec 23 T32N R4E
Spring	"	"	6	.012	Joiner Stream	SWNW Sec 23 T32N R4E
Spring	"	"	2	.004	Subducts	SENE Sec 22 T32N R4E
Spring	"	"	4	.008	Joiner Stream	"
Spring	"	"	4	.008	Joiner Stream	NENE Sec 22 T32N R4E
Spring ~~Domestic~~	Domestic ≈ 1900	"	6	.012	Joiner Stream	SESE Sec 15 T32N R4E
Spring	STeeld ≈ 1900	"	3	.006	Subducts	"
Spring	"	"	3	.006	"	NESE Sec 15 T32N R4E
Spring	"	"	2	.004	"	NENE Sec 26 T32N R4E
Spring	"	"	2	.004	"	Lot 5 (NWNE) Sec 26 T32N R4E
Spring	Domestic ≈ 1900	"	2	.004	"	Lot 1 (NENW) Sec 26 T32N R4E

Oct 30 2006 10:50PM HP LASERJET 3200

350454

THIS INSTRUMENT, made this 5th day of October, 1989,
between R. T. HATCH, SHARON HATCH, and KENNETH STEIGERS and LINDA STEIGERS,
husband and wife, County of Nez Perce, State of Idaho,
and DELLOS R. FISHER and SHIRLEY M. FISHER, husband and
wife, County of Kootenai, State of Idaho, the party of the second part,
County of Idaho, State of Idaho, the party of the first part, for and in consideration of the sum of \$10.00 Dollars

WITNESSETH, that the party of the first part, for and in consideration of the sum of \$10.00 Dollars
lawful money of the United States of America, the receipt whereof is hereby acknowledged,
to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
does by these presents release, release and forever QUITCLAIM, unto the said party of the second part, and to
party of the second part's heirs and assigns, forever, all the following described interest situated in
County of Idaho, State of Idaho, to-wit:

Granting one gallon per minute flow from a spring site located in
the SE1/4 SW1/4 Section 14 T.32N R.4E B.M. and identified by the
existing concrete rings of a spring development directly adjacent
to and in a westerly direction from the South West corner of Lot 10,
Block 2, Longbluff Subdivision, Idaho County Records, Instrument Number
278479, and directly adjacent to and North of the existing access road.
Also granting easements across Lot 10, Block 2, Longbluff Subdivision,
for water lines and power lines as is necessary to establish and
maintain a water system to Lot 9, Block 2, Longbluff Subdivision,

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or
in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits
thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the
said party of the second part, and to party of second part's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and
year first above written.

Kenneth Steigers
Sharon Steigers
Linda Steigers
STATE OF IDAHO,

R. T. Hatch
Sharon Hatch

County of Nez Perce, State of Idaho,
On this 5th day of October, 1989, before me
a Notary Public in and for said State, personally appeared
Kenneth Steigers and Linda Steigers

known to me to be the person whose name
is subscribed to the within instru-
ment, and acknowledged to me that he executed the same.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.



Sharon L. Reed
Notary Public for the State of Idaho,
Residing at Idaho Falls, Idaho.

QUITCLAIM DEED
Form No. 100

STATE OF IDAHO
County of Nez Perce
I hereby certify that this instrument
was filed for record at request of
Kenneth Steigers and Sharon Steigers
at 1:00 o'clock P.M. this 5th day of
October, 1989, in my
office, and duly entered in Book
of page 1600

ROSE E. GERRING
By Paul S. Gerrard
Notary
Fee \$6.00
Mail to Boise, Idaho
By Paul S. Gerrard
10/31/89
AFTER RECORDING RETURN TO

Oct 30 2006 10:50PM HP LASERJET 3200

P.7

(State of Idaho
County of Latah)

Personally appeared before me H.T. Hatch, the signer
of the within instrument, who duly acknowledged to
me that he executed the same.

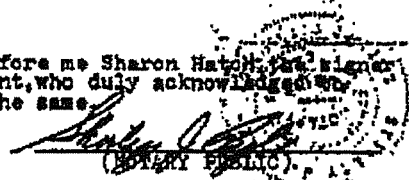


Residing at: Ketchikan Idaho

My Commission expires: 4-13-91

(State of ~~Idaho~~
County of ~~Latah~~ *Whitman*)

Personally appeared before me Sharon Hatch, the signer
of the within instrument, who duly acknowledged to
me that she executed the same.



Residing at: Pullman

My Commission expires: 11-30-92

1 Thence South 18°37'55" East a distance of
2 184.04 feet;

3 Thence South 34°26'22" East a distance of
4 313.28 feet;

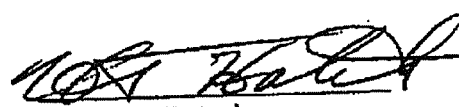
5 Thence North 73°43'11" East a distance of
6 129.67 feet intersecting said subdivision
7 boundary;

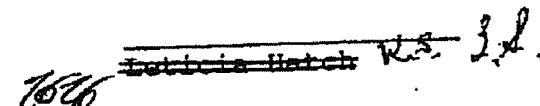
8 Thence Northwesterly along the Long Bluff
9 Subdivision boundary to the TRUE POINT OF
10 BEGINNING.

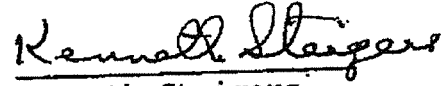
11 Subject to a road easement to Shearer Lumber
12 Company, a utility easement to General Telephone Company,
13 and all other easements and restrictions of record.

14 Also subject to three (3) water rights from the
15 spring situated on the real property conveyed herein
16 consisting of one (1) gallon per minute each to Lots 8,
17 9, and 10 of Long Bluff Subdivision.

18 This Quitclaim Deed is executed this 24th day of
19 November, 1999, by the Grantors to the Grantees named above.

20
21 
22 H. T. Hatch

23 
24 ~~Leticia Hatch~~ *W.S. L.H.*

25 
26 Kenneth Steigers


Linda Steigers

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