

MEMORANDUM

TO: Transfer No. 78084 now 78098 (Trinity Well Users Assn.)
FROM: Michele Edl
DATE: 8/21/2012
RE: Evaluation of Sufficiency of Information Submitted

The purpose of the transfer is to change the place-of-use for CSRBA recommended right 95-16464, the only surviving split of licensed right 95-9944. The proposed POU covers 93.1 acres located in section 10 of Township 53N, Range 3W. The property consists of 9 lots owned by the members of Trinity Well Users Association, LTD.

Contact person for Trinity Well Users Assn., is Melody A. Jones.

This transfer replaces Transfer 78084 which would have acted on 95-9944. Several competing claims for 95-9944 were filed in the CSRBA and that right has been split in the adjudication. Consultation with CSRBA staff confirmed that 95-9944 was not the correct right for the action requested by the applicant. The existing data entry for Transfer 78084 could not be updated to act on the correct right, so Transfer 78084 will be made inactive. The renumbered transfer, (Transfer 78098), acts on 95-16464 which is the only surviving split of 95-9944 and it has been recommended to the Trinity Well Users Assn.

Summary of Information Submitted

Authority to File:

The applicant, Trinity Well Users Association, LTD is registered with the ISOS as No. C182807. The applicant will be recommended for the CSRBA Director's report on 95-16464. A lawsuit between competing claimants has resolved the ownership of the water right. The 9-lot POU will be changed to include only property held by current members of the association.

Michael B. Jones, secretary-treasurer for the association, signed Application for Transfer 78084. That application has been renumbered to 78098 (see explanation above). The Department recognizes the intent of the original transfer application and that the applicant acted on the best information available to them at that time. The Department will not require a fresh signature on a renumbered transfer application form.

Water Right Validity:

The right presumed to be valid based on the pending CSRBA recommendation. This transfer acts on the only surviving split of 95-9944.

Injury to Other Water Rights:

No injury is anticipated.

The POD is not changing nor are the types of use nor are the user tallies in each type.

Enlargement of Use:

The current season of irrigation use is shorter than the season that was in force at time the irrigation use was confirmed. The applicant will get the benefit of the longer season.

95-16464 is recommended for the same number of households and the same head of stock as the parent right. The irrigation is limited to 2.5 acres within 9 lots which cover 91.3 acres.

The well is sited within the Rathdrum Prairie Ground Water Management Area. As a consequence of this transfer the right will be conditioned to require compliance with the management plan.

Local Public Interest:

No negative issues were identified.

Beneficial Use/Conservation of Water Resources:

The proposed uses are consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information and/or Analysis

No additional information or IDWR analysis is needed

Discussion

The original parent right, 95-9944, is part of the CSRBA. Splits of that parent right to correct ownership issues were attempted on both the adjudication records and the water right records. Consultation with the CSRBA adjudication staff in the state office clarified the pedigree background and the status of the claims related to this transfer. The adjudication claims were the most recent action and the application for transfer should have acted on one or more of those claims. It did not.

The data entry could not be corrected using the available software. Therefore, a new transfer was initiated to act on the correct right 95-16464, a split of the adjudication claim.

The POU shape created for this transfer is based on the CSRBA claim shape. There are no overlapping rights at the place-of-use.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Edl, Michele

From: Fritschle, Carter
Sent: Tuesday, August 21, 2012 11:25 AM
To: Edl, Michele
Subject: RE: Trinity Well Users transfer 78084

Michele,

95-9944 now has a status of Parent. (I thought for sure it already had that status, so I was surprised to see that it was still showing as Active.)

95-15581 is the first child right of 95-9944. It was filed as a competing claim for 95-9944. 95-15581 is being recommended as disallowed in the CSRBA Director's report.

95-16464 is the second child right of 95-9944. It was filed as a competing claim for 95-9944. 95-16464 will be the surviving child of 95-9944 in the CSRBA Director's report.

95-16465 is the third child right of 95-9944. It was filed as a competing claim for 95-9944. 95-16465 has been withdrawn in favor of 95-16494.

95-9944 is a dead end in the CSRBA since it will not be reported to the court, and the transfer should be acting on 95-16454.

I have also updated the remarks in the claim record of 95-9944 to hopefully explain what has transpired. 95-10533 is not included in the pedigree since that record can be used to reflect William Russell's replacement well, which will have to have a priority date of when it came online.

If you need any maps or additional analysis of what transpired, just let me know.

Carter

From: Edl, Michele
Sent: Tuesday, August 21, 2012 10:45 AM
To: Fritschle, Carter
Subject: Trinity Well Users transfer 78084

Carter,

I have been assigned to process a transfer for Northern Region on behalf of the Trinity Water Users Association. The Licensed right was 95-9944. I see three claim numbers 95-15581, 95-16464 and 95-16465.

Northern initiated the transfer process on licensed right 95-9944 but the adjudication claims are the most recent action. I believe that the transfer should be acting on one of the claims.

My questions to you: Have you recombined the claims back into 95-9944? What right/claim number should the transfer act on?

Michele



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 17, 2012

Melody Jones
Trinity Well Users Assn
PO Box 886
Athol, ID 83801

Re: Application For Transfer

Dear Mrs. Jones:

Please review the enclosed application for a transfer and complete the high-lighted portions. Part 3A requires a map of the diversion and distribution system that needs to be attached when the application is returned. Once you've completed the application, sign and return the document to me at your earliest convenience and include a check made payable to IDWR in the amount of \$200.00 to cover the filing fee.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Program Manager

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☐ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☐ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☐ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☐ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. |
| ☐ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☐ | ☐ | * Correct fee submitted with transfer application form. (<u>Fee schedule</u> is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☐ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule. |
| ☐ | ☐ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule. |
| ☐ | ☐ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☐ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☐ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm . |
| ☐ | ☐ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☐ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☐ | ☐ | #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☐ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule. |
| ☐ | ☐ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☐ | #9 Other. Please describe: _____ |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) TRINITY WELL USERS ASSOCIATION Phone 208-683-4110

Mailing address PO BOX 886, ATHOL, IDAHO 83801 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

- b. Who owns the property at the point(s) of diversion? _____

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	95-9944	0.07/6.8	IRRIGATION	3/15 to 11/15	GROUNDWATER
☒ ☐	95-9944	0.01/0.2	STOCKWATER	1/1 to 12/31	GROUNDWATER
☒ ☐	95-9944	0.12/5.4	DOMESTIC	1/1 to 12/31	GROUNDWATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.12 cfs and/or 12.4 ac-ft

2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or 12.4 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	03W	10					D		D	D	D								
							0.25		1.0	1.0	0.25								2.5
							S		S	S	S								

Total Acres (for irrigation use) 2.5

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 95-9944

Current Owner: TRINITY WELL USERS ASSN

Priority Date: 2/6/1992

Origin: Adjudication Claim

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.07 CFS	6.8 AF
STOCKWATER	1/01 to 12/31	0.01 CFS	0.2 AF
DOMESTIC	1/01 to 12/31	0.12 CFS	5.4 AF
<u>Total Diversion</u>		0.12 CFS	12.4 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4 Sec. 10, Twp 53N, Rge 03W B.M.
KOOTENAI County

Place of Use

IRRIGATION Within KOOTENAI County

T53N R03W S10	SWNW	2.00	T53N R03W S10	SEnw	0.50
Total Acres: 2.5					

STOCKWATER Within KOOTENAI County

T53N R03W S10	SWNW
---------------	------

DOMESTIC Within KOOTENAI County

T53N R03W S10	SWNW	T53N R03W S10	SEnw
---------------	------	---------------	------

Conditions of Approval:

1. This claim was renumbered from claim 95-10533.
2. Domestic use is for 9 homes.
Stockwater use is for 15 range cattle.
3. This claim was amended to reflect the elements of license 95-9944.
4. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
5. R49 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 27, 2012

Melody Jones
Trinity Well Users Assn.
PO Box 886
Athol, ID 83801

Re: Northern Idaho Adjudication Claim

Dear Mrs. Jones:

In working towards the development of a transfer application, it was determined the Trinity Well Users Association's adjudication claim, based on license No. 95-9944 needs to be amended. Once we receive the amended claim IDWR can move forward with a recommendation and from the recommendation we can finalize a transfer application.

For your convenience, I have attached an amended claim for your review and approval. If it is satisfactory, sign and return it to me as soon as possible and if you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager

Enclosure

COPY

COPY

**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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

ID Number: _____
Date Received: _____
Receipt No: _____
Amount: _____ By: _____

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

Please type or print clearly

1. Name of claimant(s) TRINITY WELL USERS ASSOCIATION Phone 208-683-4110
Mailing address PO BOX 886 ATHOL ID 83801
Street or Box City State ZIP
2. Date of priority (only one (1) per claim) 2/6/1992
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water (x) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 53N, Range 03W, Section 10,
SW 1/4 of NW 1/4, or Govt. Lot _____, B.M., County of KOOTENAI
Parcel (PIN) no. 53N03W-10-4465
Additional points of diversion if any: NONE
If available, GPS coordinates: N/A
b. If instream flow, beginning point of claimed instream flow is: Township _____, Range _____,
Section _____, _____ 1/4 of _____ 1/4, or Govt. Lot _____, B.M., County of _____
ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4 or
Govt. Lot _____, B.M., 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.
SUBMERSIBLE PUMP IN WELL

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive mm-dd) (cfs) (acre-feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.07 or 6.8

For STOCKWATER purposes from 1/1 to 12/31 amount 0.01 or 0.2

For DOMESTIC purposes from 1/1 to 12/31 amount 0.12 or 5.4

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) 12.4 (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): DOMESTIC USE IS FOR 9 HOMES. 15 HEAD OF MIXED STOCK

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 (e.g. D for domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	03W	10					D		D	D	D								
							0.25		1.0	1.0	0.25								2.5
							S		S	S	S								

Parcel (PIN) no(s). SEE REMARKS Total number of acres irrigated 2.5

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

11. Do you own the property listed above as place of use? Yes () No (x)
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 (x)

13. Remarks:

THE PROPERTY IS OWNED BY INDIVIDUAL PROPERTY OWNERS. INDIVIDUAL PARCELS ARE LISTED AS FOLLOWS.

LOT 1, 0-8275-001-A LOT 7, 53N03W-10-4500 THE ADDITION OF LOT 5 IN THE NENW AND

LOT 2, 53N03W-10-4800 LOT 8, 53N03W-10-4600 LOT 2 IN THE NESW IS DONE AS AN

LOT 3, 53N03W-10-4315 LOT 9, 53N03W-10-4050 ACCOMPLISHED TRANSFER.

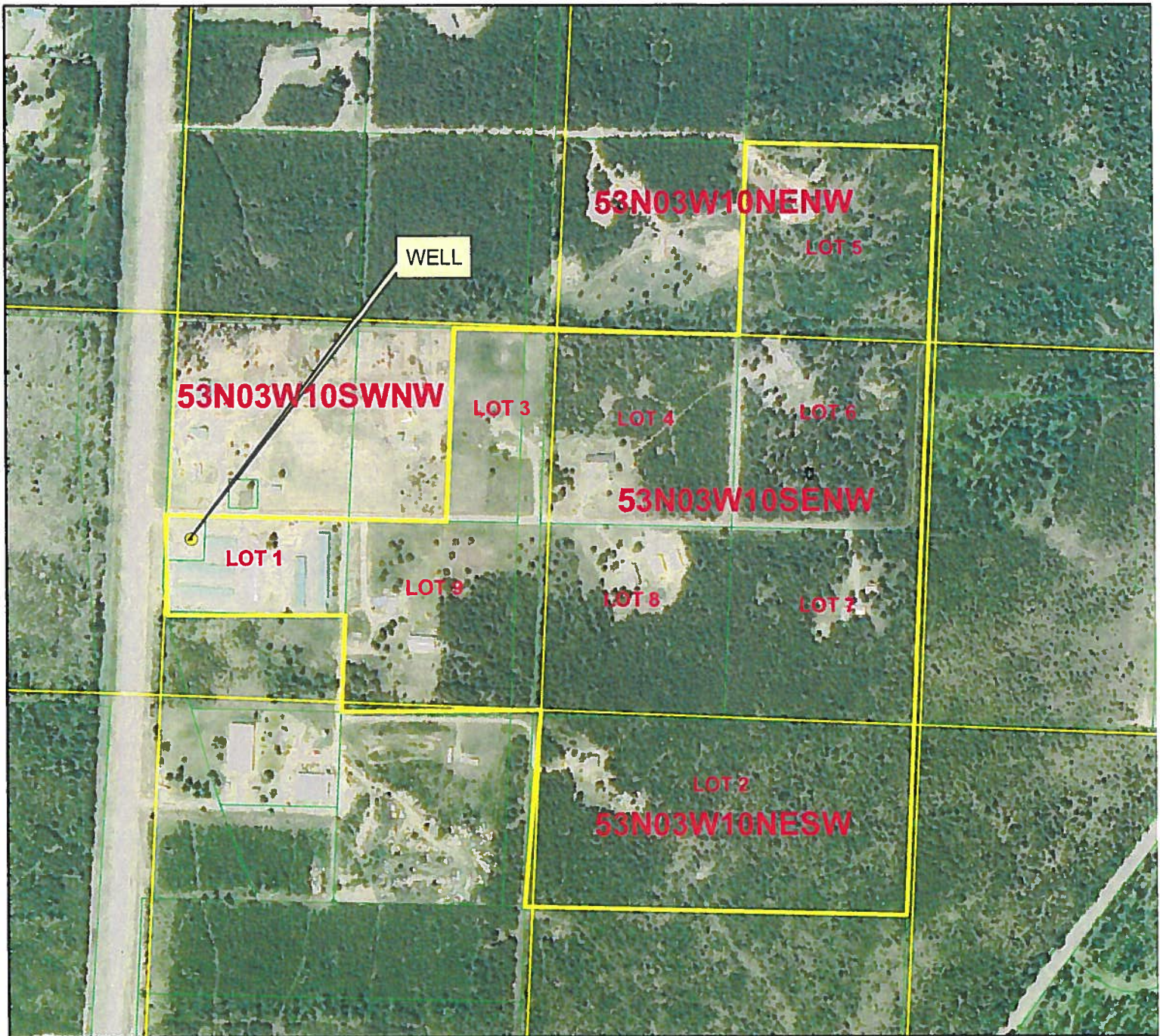
LOT 4, 53N03W-10-4450

LOT 5, 53N03W-10-2900

LOT 6, 53N03W-10-4300

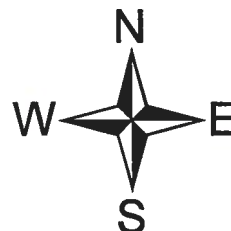
Last name TRINITY WELL USERS ASSN. Identification no. _____

CLAIM 95-9944



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots



14. Basis of claim (check one) Beneficial Use () Posted Notice () License (x) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable, provide IDWR water right number 95-9944

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 Coeur d'Alene-Spokane River Basin Adjudication".
b. I/We do () do not (x) 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: _____

For organizations:

I do solemnly swear or affirm under penalty of perjury that I am

_____ of TRINITY WELL USERS ASSOCIATION
Title Organization

that I have signed the foregoing document in the space below as

_____ of TRINITY WELL USERS ASSOCIATION
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of authorized agent _____ Date _____

Title and organization _____

16. Notice of appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____

Existing WB. Shape.

53N03W10NWNW

53N03W10NENW

53N03W10SWNW

53N03W10SENW

well

53N03W10NWSW

53N03W10NESW

53N03W10NWNW

53N03W10NENW

53N03W10SWNW

53N03W10SENW

well

53N03W10NWSW

53N03W10NESW

After Transfer
Shape

53N03W10NWNW

53N03W10NENW

53N03W10SWNW

53N03W10SENW

well

53N03W10NWSW

53N03W10NESW

10,000 Ac.
3200

10,000 Ac.
3100

10,000 Ac.
2600

10,000 Ac.
2500

10,000 Ac.
3400

10,000 Ac.
3500

10,000 Ac.
2800

10,000 Ac.
2900

THIS IS NOT A SURVEY. THIS PLAT IS SUPPLIED BY PIONEER TITLE COMPANY FOR INFORMATION PURPOSES ONLY AND THE COMPANY ASSUMES NO LIABILITY AS TO ITS ACCURACY

JENSEN

RUSSELL

MACDONALD
ASSESSOR # 4450

WILSON
ASSESSOR # 4300

1-9
NW 1/4 SW 1/4 NW 1/4

2-9
W 1/2 NE 1/4
SW 1/4 NW 1/4

3-9

4-9

6-9

1600
28,100 Ac.

WELL SITE

N 1/2 SW 1/4
SW 1/4 NW 1/4
10 53 NR 3W

E 6620
MANCHESTER

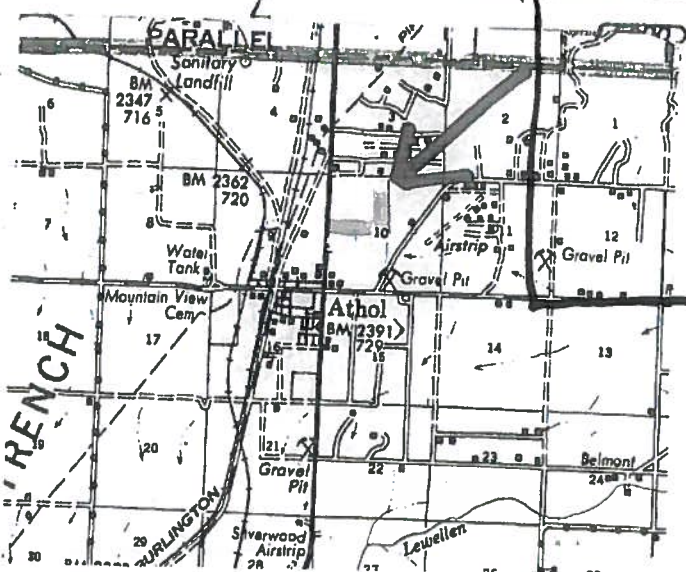
6500 E
MACDONALD

STENGAR

9-9

8-9

7-9



95

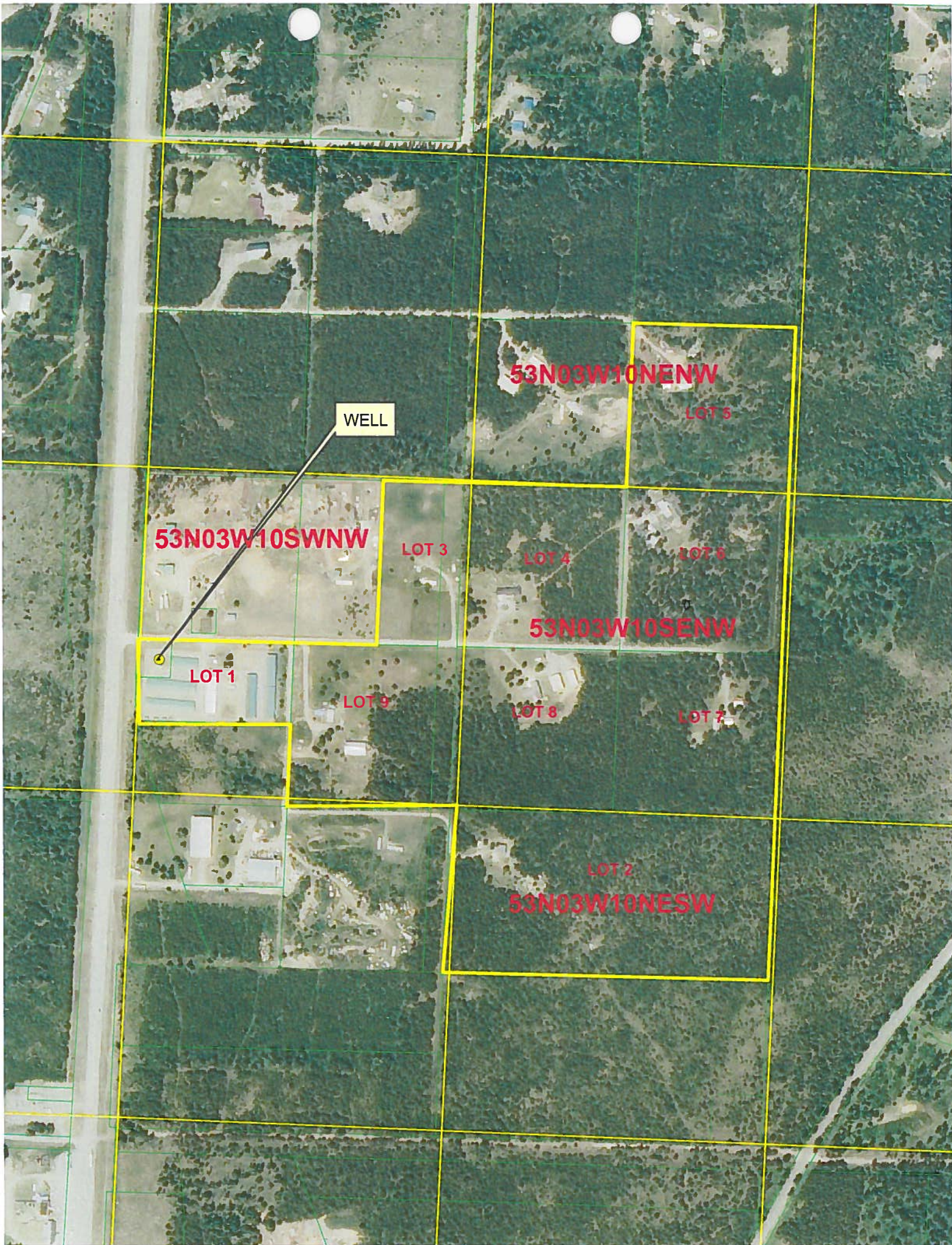
U.S. HIGHWAY

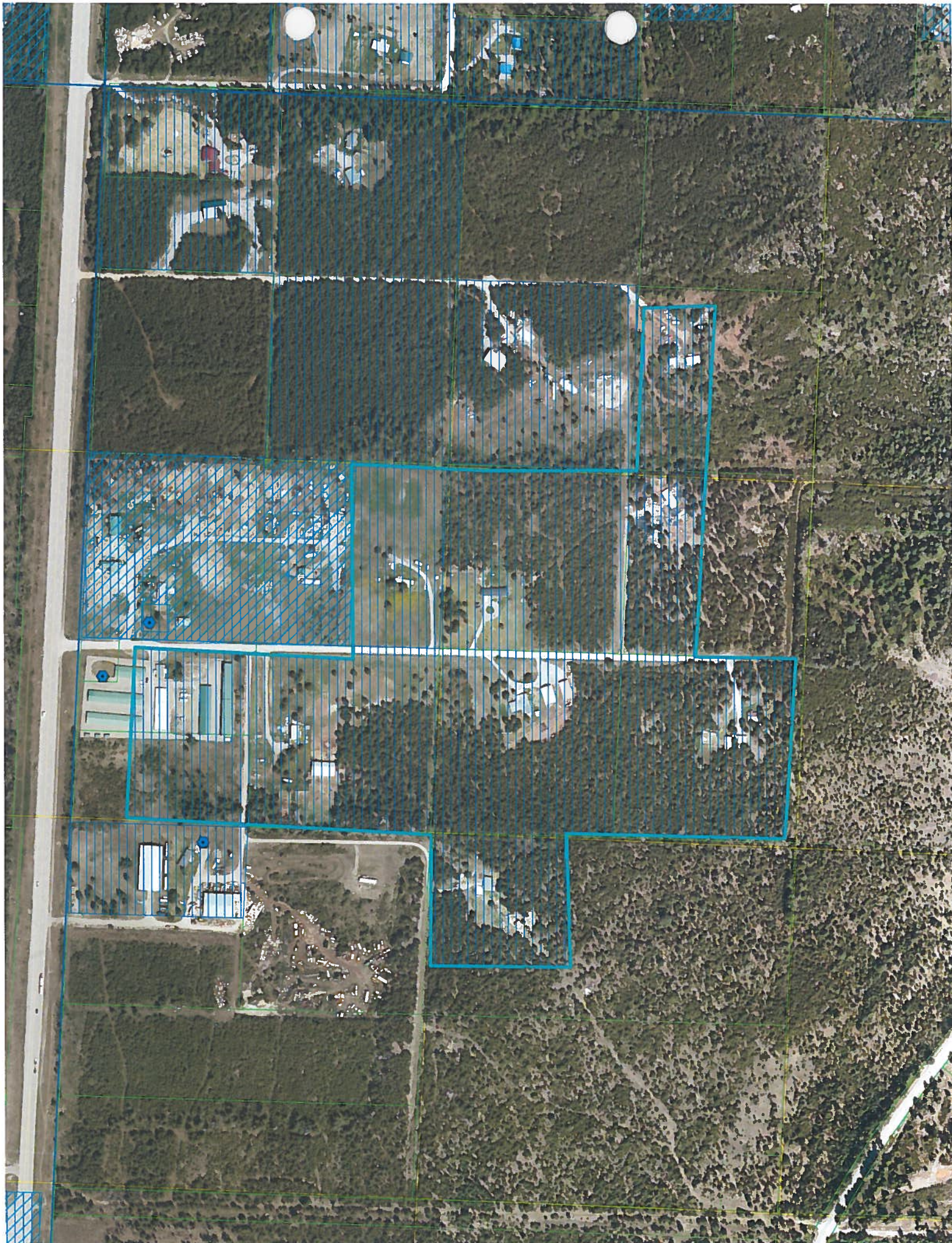
RENCH

SELL ATEN ASSOC

RECORDED

SEP 22 1992







AMENDED

Form No.42-1409-1 (Internet 3/12)

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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

ID Number: _____

Date Received: _____

Receipt No: _____

Amount: _____ By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) TRINITY WELL USERS ASSOCIATION Phone 208-683-4110
Mailing address PO BOX 886 ATHOL ID 83801
Street or Box City State ZIP
2. Date of priority (only one (1) per claim) 2/6/1992
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water (x) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 53N, Range 03W, Section 10,
SW 1/4 of NW 1/4, or Govt. Lot _____, B.M., County of KOOTENAI
Parcel (PIN) no. 53N03W-10-4465
Additional points of diversion if any: NONE
If available, GPS coordinates: N/A
b. If instream flow, beginning point of claimed instream flow is: Township _____, Range _____,
Section _____, _____ 1/4 of _____ 1/4, or Govt. Lot _____, B.M., County of _____
ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4 or
Govt. Lot _____, B.M., 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.
SUBMERSIBLE PUMP IN WELL

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive mm-dd) (cfs) (acre-feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.07 or 6.8

For STOCKWATER purposes from 1/1 to 12/31 amount 0.01 or 0.2

For DOMESTIC purposes from 1/1 to 12/31 amount 0.12 or 5.4

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) 12.4 (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): DOMESTIC USE IS FOR 9 HOMES. 15 HEAD OF MIXED STOCK

9. Description of place of use:

- 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 (e.g. D for domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	03W	10					D		D	D	D								
							0.25		1.0	1.0	0.25								2.5
							S		S	S	S								

Parcel (PIN) no(s). SEE REMARKS

Total number of acres irrigated 2.5

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

11. Do you own the property listed above as place of use? Yes (X) No ~~(X)~~

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 (X)

13. Remarks:

THE PROPERTY IS OWNED BY INDIVIDUAL PROPERTY OWNERS. INDIVIDUAL PARCELS ARE LISTED AS FOLLOWS.

LOT 1, 0-8275-001-A LOT 7, 53N03W-10-4500 THE ADDITION OF LOT 5 IN THE NENW AND

LOT 2, 53N03W-10-4800 LOT 8, 53N03W-10-4600 LOT 2 IN THE NESW IS DONE AS AN

LOT 3, 53N03W-10-4315 LOT 9, 53N03W-10-4050 ACCOMPLISHED TRANSFER.

LOT 4, 53N03W-10-4450

LOT 5, 53N03W-10-2900

LOT 6, 53N03W-10-4300

Last name TRINITY WELL USERS ASSN. Identification no. _____

14. Basis of claim (check one) Beneficial Use () Posted Notice () License (X) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable, provide IDWR water right number 95-9944

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 Coeur d'Alene-Spokane River Basin Adjudication".

b. I/We do () do not (X) 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: _____

For organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Secretary-Treasurer of TRINITY WELL USERS ASSOCIATION,
Title Organization

that I have signed the foregoing document in the space below as

Secretary-Treasurer of TRINITY WELL USERS ASSOCIATION,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of authorized agent Michael B. Jones Date 4-2-12

Title and organization Secretary-Treasurer, Trinity Well Users Assoc, Ltd

16. Notice of appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____

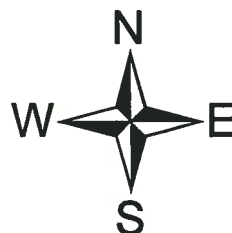
Last name TRINITY WELL USERS ASSN. Identification no. _____

CLAIM 95-9944



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08684

Priority: February 6, 1992

Maximum Diversion Rate:
Maximum Diversion Volume:

0.12 CFS
12.4 AF

This is to certify, that RUSSELL WATER ASSN ET AL
PO BOX 476

ATHOL ID 83801

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 6, 1992; and has submitted Proof of Beneficial Use on June 26, 1992. An examination indicates that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.07 CFS	6.8 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.12 CFS	5.4 AF
	Totals	0.12 CFS	12.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 10, Township 53N, Range 03W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
53N	03W	10	SWNW 2	SENW 0.5		2.5

Total number of acres irrigated: 2.5

PLACE OF USE: STOCKWATER

TWN RGE SEC

53N 03W 10 SWNW

PLACE OF USE: DOMESTIC

TWN RGE SEC

53N 03W 10 SWNW SENW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

RECORDED

JUL 07 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08684

CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Domestic use is for 9 homes.
8. Stockwater use is for 15 range cattle.

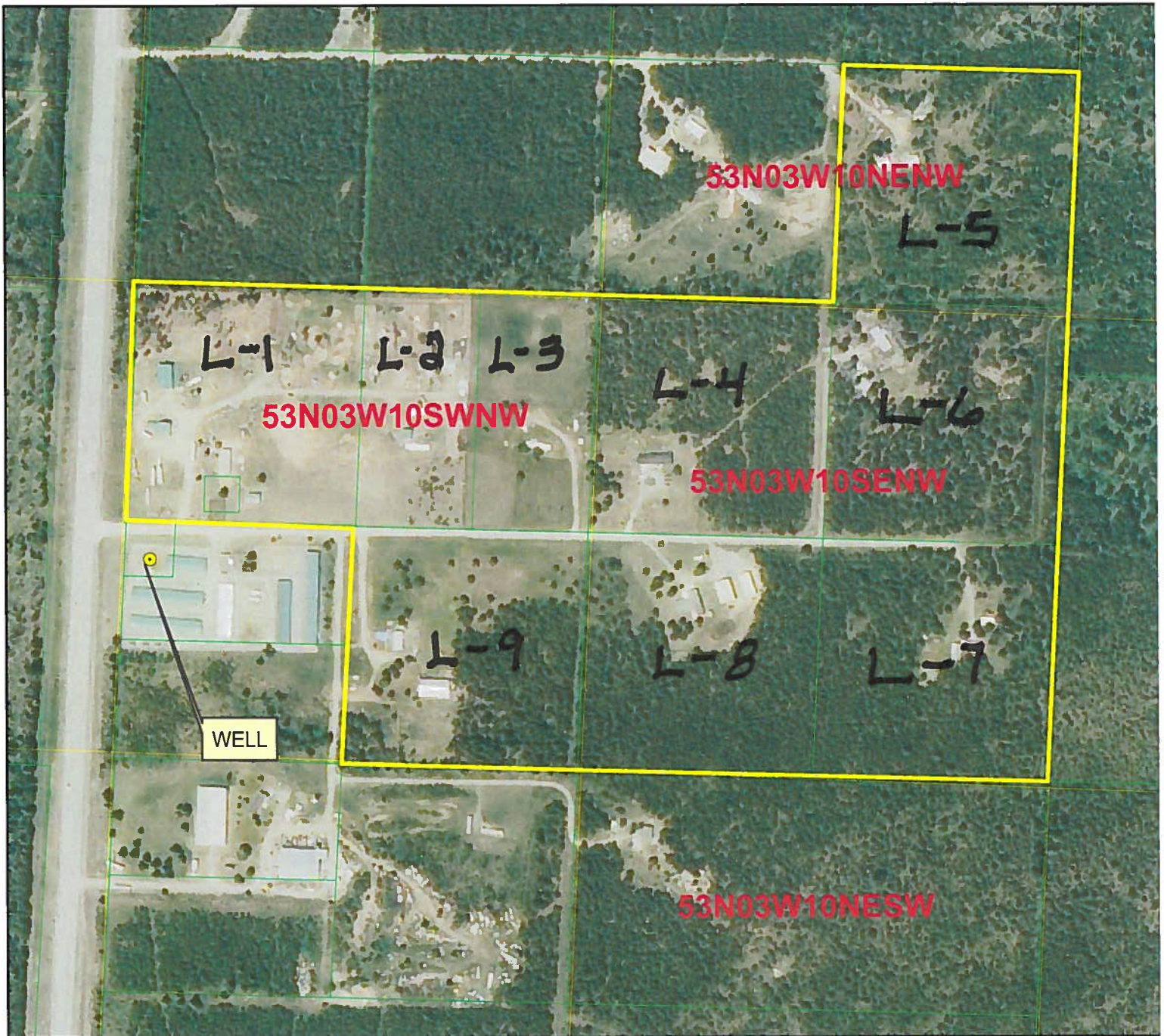
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of MAY, 1993.

Acting for R. Keith Higginson, Director

MICROFILMED

JUL 07 1993

EXHIBIT A



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots

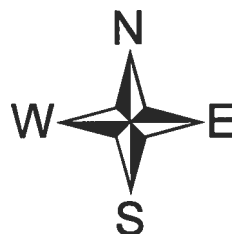
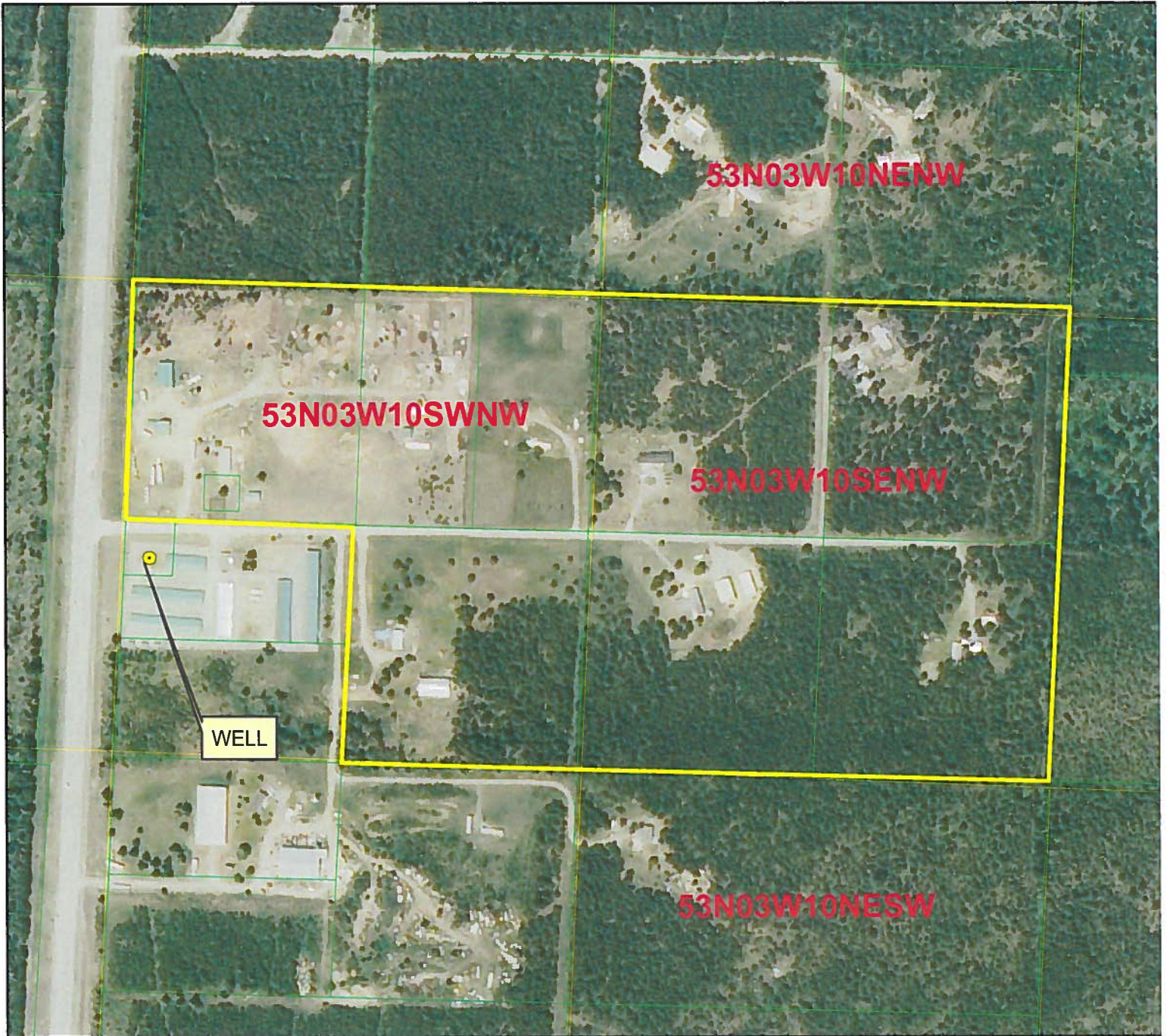


EXHIBIT B



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots

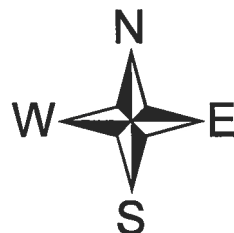
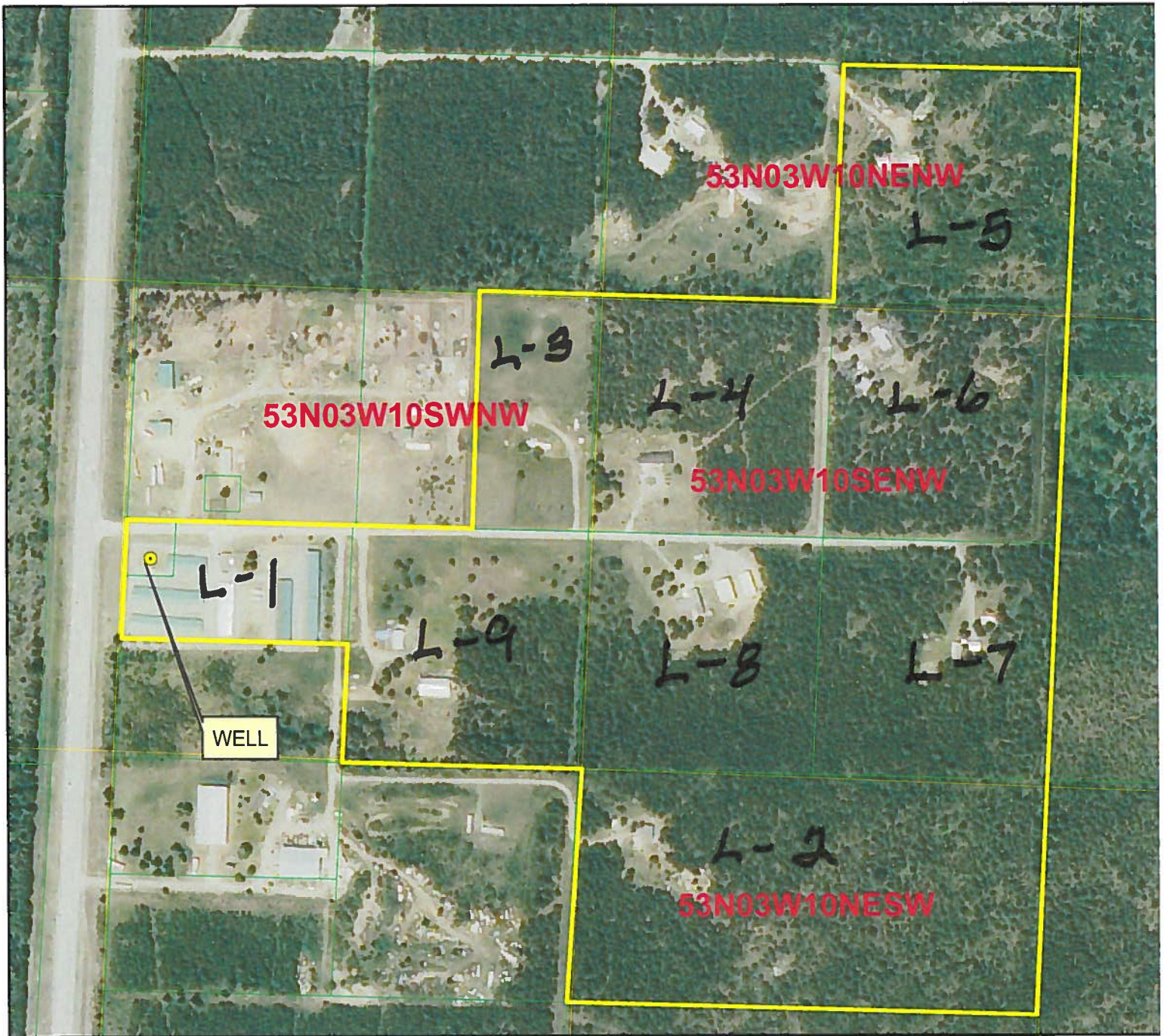
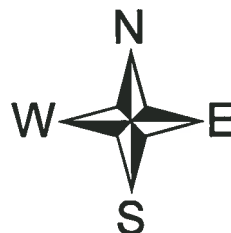


EXHIBIT C



Legend

-  workingpod
-  workingpou
-  QQ
-  Taxlots



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 95-9944

WATER RIGHT NUMBER: 95-9944

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TRINITY WELL USERS ASSN PO BOX 886 ATHOL, ID 83801

Priority Date: 02/06/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.120 CFS	5.40 AF
IRRIGATION	3/15 to 11/15	0.070 CFS	6.80 AF
STOCKWATER	1/01 to 12/31	0.010 CFS	0.20 AF
	<u>Total Diversion:</u>	0.120 CFS	12.40 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 10, Twp 53N, Rge 03W, B.M.
KOOTENAI County		

Place of Use

DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
53N 03W 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
		X	X		

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
53N 03W 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
		2.0	.5		2.5

Total Acres: 2.5

STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	

Water Right Report 95-9944

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUSSELL WATER ASSN ET AL PO BOX 476 ATHOL, ID 83801 (208)683-3316

Status: Active

GROUND WATER

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4 Sec. 10, Twp 53N, Rge 03W, B.M.
KOOTENAI County

DOMESTIC

[illegible]

IRRIGATION

[illegible]

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-9944

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
53N 03W 10							X										

Conditions of Approval:

1. R49 This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Domestic use is for 9 homes.
Stockwater use is for 15 range cattle.

Remarks:Comments:

1. MILLER 6/8/1992 ASSOCIATION OFFICERS
Comment: The Russell Water Association officers are the following individuals: William Russell - President Ellen Wallace - Secretary/Treasurer DRILLING PERMIT Well drilled under Permit No. 95-90-N-106.
2. VAULT 6/29/1992 Proof of Beneficial Use Rcvd
Comment: Proof of Beneficial Use Rcvd
3. Renumber 12/21/2008 3:57:52 PM Renumber WR 95-9944
Comment: This has been renumbered from 96-8684

Dates and Other Information:

Licensed Date: 5/18/1993
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 95-9944

Water Supply Bank:

Knoblock, Ken

From: Skaggs, Pam
Sent: Tuesday, November 08, 2011 7:27 AM
To: Fritschle, Carter
Cc: Franklin, Keith; Knoblock, Ken
Subject: RE: FW: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

Carter,

I am sorry that I wasn't available to comment on this matter. I agree that a transfer appears most appropriate method to update the water right to reflect recent changes. I will be happy to work with Northern to accomplish this action.

Pam

From: Fritschle, Carter
Sent: Monday, November 07, 2011 3:10 PM
To: joneschocolates@gmail.com
Cc: Knoblock, Ken; Skaggs, Pam
Subject: RE: FW: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

Hello Melody,

Since Mr. Russell's interest in water right 95-9944 was not officially terminated until October 15, 2011, I would suggest that Trinity Well Users Association file a formal transfer of the place of use in order to correctly describe the nine lots that will be receiving water service from the Trinity Well Users Association's well. And, once the transfer is approved, IDWR will be able to recommend the Coeur d'Alene-Spokane River Basin Adjudication claim to water right 95-9944 in the name of the Trinity Well Users Association, and for the lots (place of use) described in the transfer.

Here is the link to the transfer form:

[http://www.idwr.idaho.gov/WaterManagement/WaterRights/PDFs/APPLICATION FOR TRANSFER OF A WATER RIGHT.pdf](http://www.idwr.idaho.gov/WaterManagement/WaterRights/PDFs/APPLICATION%20FOR%20TRANSFER%20OF%20A%20WATER%20RIGHT.pdf)

Carter Fritschle
Adjudication Section Manager
Idaho Department of Water Resources
(208) 287-4917
Carter.Fritschle@idwr.idaho.gov

From: joneschocolates@gmail.com [<mailto:joneschocolates@gmail.com>] **On Behalf Of** Melody A Jones
Sent: Friday, November 04, 2011 1:28 PM
To: Knoblock, Ken
Subject: Fwd: FW: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

Here's our documents from Russell. He's releasing all right to the water right #95-9944.

Please let me know what to do next, if there's something to do.

Melody Jones

----- Forwarded message -----

From: **Mike Ealy** <mealy@ramsdenlyons.com>

Date: Tue, Nov 1, 2011 at 10:38 AM

Subject: FW: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

To: "Melody A. Jones" <joneschocolates@gmail.com>

Cc: Doug Rust <drust@ramsdenlyons.com>

Melody,

The attachments are on this email as I'm sending it. Let me know if you don't see them and I'll try another angle.

Mike

From: Doug Rust [mailto:drust@ramsdenlyons.com]

Sent: Tuesday, November 01, 2011 9:23 AM

To: Mike Ealy

Subject: RE: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

From: Mike Ealy [mailto:mealy@ramsdenlyons.com]

Sent: Tuesday, November 01, 2011 9:08 AM

To: Doug Rust

Subject: FW: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

Did James Bendell ever return a copy signed by Russell? If not, could you contact his office and request a copy. Thanks.

From: Melody A. Jones [mailto:joneschocolates@gmail.com]

Sent: Tuesday, November 01, 2011 9:03 AM

To: Mike Ealy

Subject: Re: FW: Russell v. Trinity Well Users Assoc. / Melody Jones

Morning Mike,

Did you get the signed agreement from Russell?

Melody

On Mon, Oct 31, 2011 at 3:16 PM, Mike Ealy <mealy@ramsdenlyons.com> wrote:

Melody,

Order's of Dismissal in both cases.

Yours truly,

Mike

From: Doug Rust [mailto:drust@ramsdenlyons.com]
Sent: Monday, October 31, 2011 2:58 PM
To: Mike Ealy
Subject: Russell v. Trinity Well Users Assoc. / Melody Jones

Just received the attached Orders of Dismissal signed by Judge Luster in both cases.

Douglas Rust

Ramsden & Lyons, LLP

P.O. Box 1336

Coeur d'Alene, ID 83816

Ph: [208-664-5818](tel:208-664-5818)

Fx: [208-664-5884](tel:208-664-5884)

--
Melody A. Jones

Michael B. Jones

Interstate Brokers, LLC

[208-818-2009](tel:208-818-2009) Mel's cell

[208-818-5923](tel:208-818-5923) Mike's cell

--
Melody A. Jones
Interstate Brokers, LLC
208-818-2009-cell
208-683-4110



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 23, 2011

MELODY JONES
TRINITY WELL USERS ASSOCIATION
PO BOX 886
ATHOL ID 83801

RE: Change of ownership for Water Right License No. 95-9944

Dear Melody:

This letter serves as a follow up from our conversation on August 31, 2011 in which we discussed the change of ownership filed by Trinity Well Users Association for Water Right License No. 95-9944. As was discussed, the documentation provided does show that the well used as the point of diversion for Water Right License No. 95-9944 was indeed conveyed to the Trinity Well Users Association. However, the water right itself remains appurtenant to the properties described in the license. And, since there was not a conveyance of the water right itself from Russell Water Association to Trinity Well Users Association, the ownership of the water right cannot be changed at this time, and the \$25.00 fee paid on Receipt No. N027928 will be refunded.

However, Idaho Department of Water Resources (IDWR) will be reviewing the Notice of Claim to Water Right No. 95-9944 filed by Trinity Well Users Association in the Coeur d'Alene-Spokane River Basin Adjudication, and will ultimately make a recommendation to the court that describes the elements of the water right as well as the ownership of the water right. Part of the review will be determining the place of use of the water right as it existed on January 1, 2006. It would be helpful to IDWR's review of the claim if the claim file could be supplemented with a document containing the names and signatures of the members of the Trinity Well Users Association. This document should state that the water right that is appurtenant to their property, and diverted from the well owned by the Trinity Well Users Association, should be decreed in the name of the Trinity Well Users Association.

Please do not hesitate to contact this office if you have any questions or concerns. I can be reached by phone during normal business hours at (208) 287-4917 or (800) 451-4129, or by email at Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Adjudication Section Manager

COPY

Don Macdonald P.O. Box 2636 Hayden, Idaho 83835-2636	Phone – (208) 772-4433 Mobile– (208) 661-1919 FAX – (206) 902-4344 e-mail – DonMacID@Mac.com
--	---

Thursday, August 11, 2011

TRINITY WELL USERS ASSOCIATION INC

c/o Melody Jones
6867 E. Trinity Lake
Athol, Idaho 83801

(208) 683-4110, Mbl 818-2009

Dear Melody

Thanks for letting me know about Russell's lawsuit claim of ownership in the Trinity well. It certainly would be very devastating effect on the well Trinity users property values if he were to prevail in ownership attempt. If I were you I would defend it will all you got and also file a counter claim to his lawsuit.

He can sure dream up some cockamamie claims. I have had several lawsuits with him and he has always lost. On my CV-1999-246 & CV-1997-5539 cases I was just paid off in July \$93,884.

Going back 19 years to 1992 I cannot recall a lot of information that would pertain to today's dispute. It was always my intention that the well always belong to a well association not to an individual. I have no ideal why now he claims ownership.

Glad to see that in April the Hoeners have deeded to TRINITY WELL USERS ASSOCIATION INC., Parcel Number 53N 03W 10 4465, AIN 183428.

I have 2" pile of documents. I don't know what is important to you. These are some of the file names I have on my computer. Maybe I should show you or Doug Marfice all the stuff I have and it can then be determined what is of value to you.

- 1) DM statement 8/4/92
- 2) AD-RWA QC Deed 8/6/92
- 3) Ltr to RWA members 8/7/92
- 4) Water Owners 8/13/92
- 5) Russell Water Bylaws 11/27/92
- 6) Bylaw SunHil 12/16/92

- 7) RWA Art of Inc 12/17/92
- 8) Russell D of T 4/20/99
- 9) Well ownership 5/10/2009
- 10) Wtr Rights Claim 5/10/2009
- 11) Water Well Users as July 1992 5/11/2009
- 12) Wtr Rights Claim Rev1 5/30/2009
- 13) Water Right 95-9944 6/16/2009
- 14) Water Rt 95-9944 6/16/2009
- 15) Ltr Poorman 7/24/2009
- 16) Ltr Dept of Wtr Res 8/12/2009
- 17) Russell water1 8/12/2009
- 18) Russell Stmt of Pmt 3/24/2011
- 19) Water Right Report 4/5/2011

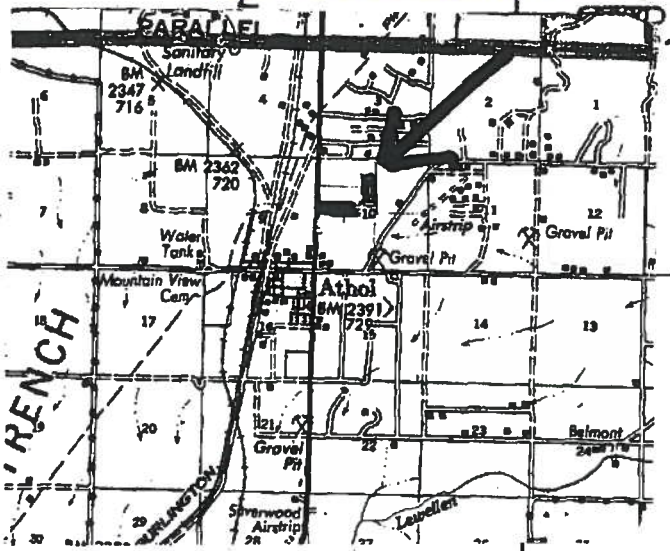
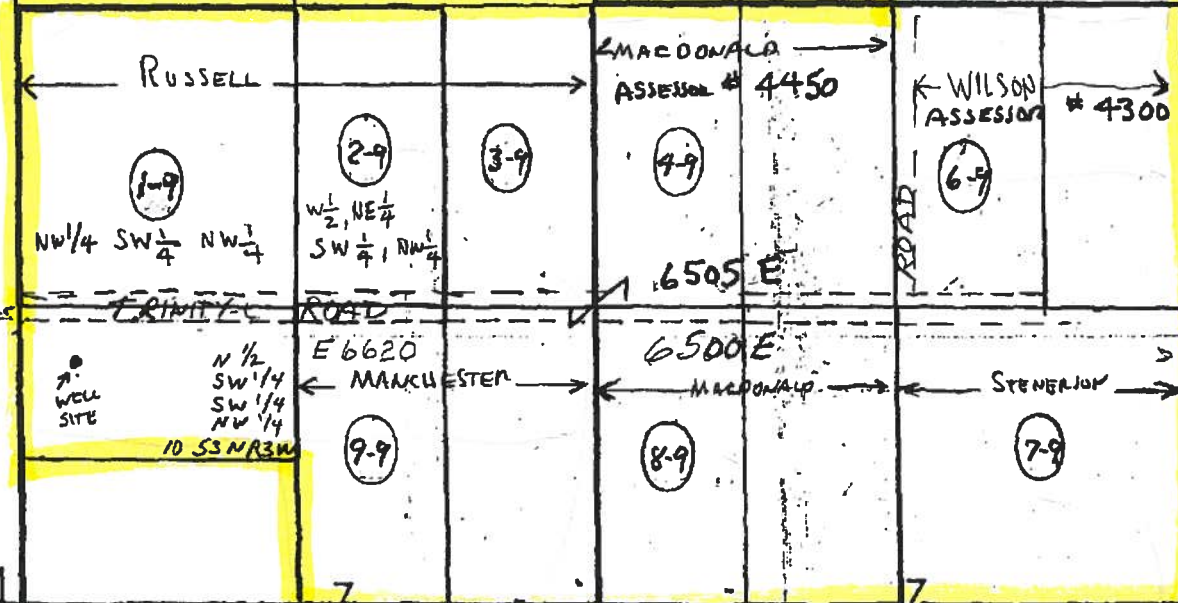
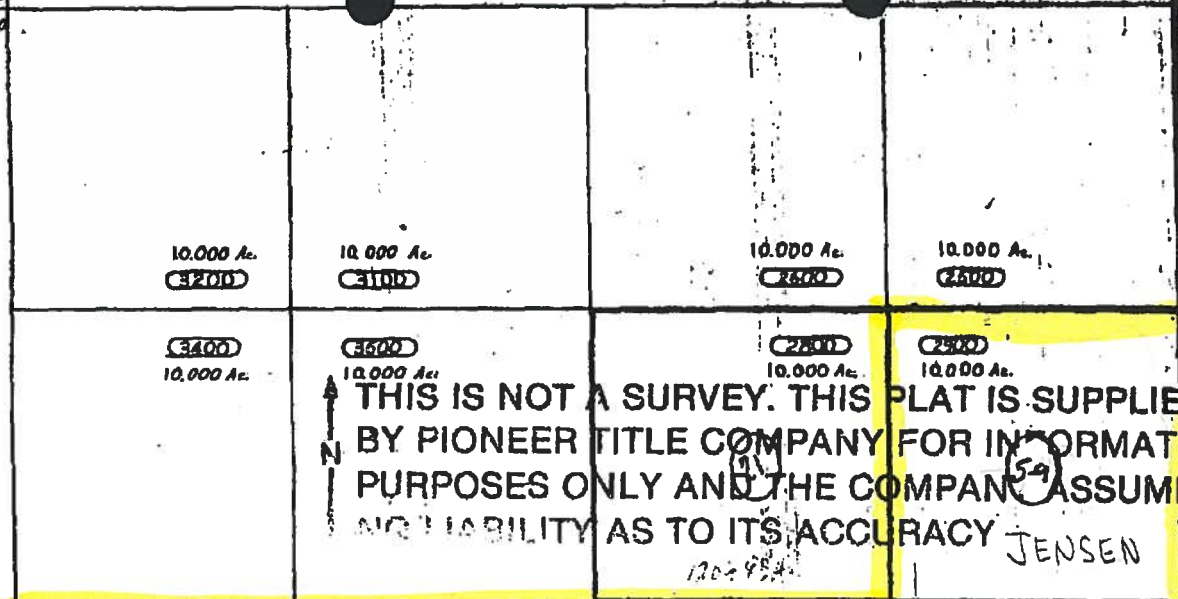
On 12/16/1991, I submitted "Application for Permit to appropriate the public water of the State of Idaho". 6/26/1992 I paid \$100 on behalf of Russell Water Association for #96-08684 License fee. If this permit still has any validity I would be willing to assign all my interest to Trinity.

You have a clear picture on everything that has transpired so I can only offer you vague advise but if I were you I would have Russell explain how he acquired his ownership after deeding it way 8/7/1992 in Quit Claim Deed recording #1269309 (copy attached). I do not know how he acquired it from Michael C. Momb or Jerry Mortensen. Whether he (American Development Corp.) ever owned the well is a question but if he did he certainly divested any ownership in August 1992. How it got from Russell Water Association to Trinity I have no idea.

Please let me know if I can be of any further help.

Sincerely,

A handwritten signature in black ink, appearing to be 'DM' or similar initials, written in a cursive style.



Russell Water Assoc
MICROFILMED
SEP 22 1992

96-8684

Sec 10

Twp. 53 N. R3 W. E

SEC 10

10,000 Ac.
(3200)10,000 Ac.
(3100)10,000 Ac.
(2800)10,000 Ac.
(2500)(3400)
10,000 Ac.(3500)
10,000 Ac.(2800)
10,000 Ac.(2900)
10,000 Ac.

THIS IS NOT A SURVEY. THIS PLAT IS SUPPLIED
BY PIONEER TITLE COMPANY FOR INFORMATION
PURPOSES ONLY AND THE COMPANY ASSUMES
NO LIABILITY AS TO ITS ACCURACY

RUSSELL

JENSEN

RUSSELL

MANCHESTER

WILSON

Russell Russell

(11)
SA(12)
SA(23)
SA(24)
SA(18)
SA

(19)

(20)

(1600)
28,190 Ac.

RUSSELL

ROAD

MANCHESTER

STENERSON

WELL
SITE(13)
SAN 1/2
SW 1/4
SW 1/4
NW 1/4
D 53 NR 3W(14)
SA(15)
SA(16)
SA(17)
SA(22)
SARussell
Storage(21)
SA

w 1/4 COR

MICROFILMED
SEP 22 1992

NUMBER

DEC 16 1991

NEW ADDRESS AUG 91

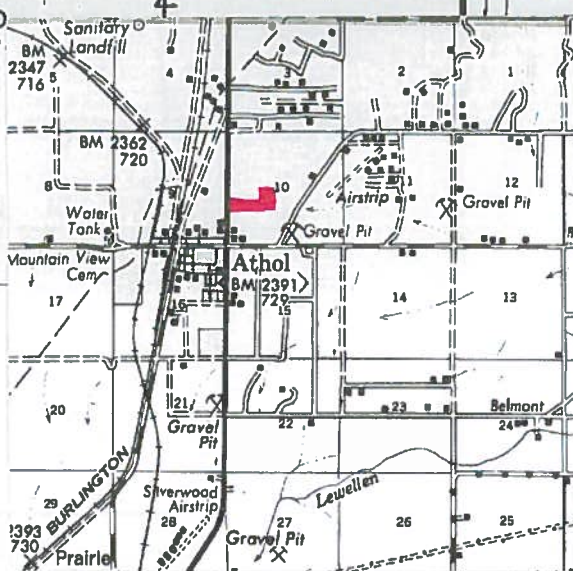
Don Macdonald

P.O. Box 2636

Hayden, Idaho 83835-2636

TEL (208) 772-4433

FAX (208) 772-7220

(5000)
28,190 Ac.

ABANDONED RAILROAD

R/W

State

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 COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number

Date Received: 5/6/19

Receipt No: 2020506

Received By: [Signature]

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) TRINITY WELL USERS ASSN Phone 208 683-4110
Mailing Address Box 886 ATHOL ID ZIP 83801
Street or Box City State
2. Date of Priority (Only one (1) per claim) FEB 6, 1992
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____

which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 53N, Range 3W, Section 10,
SW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of KOOTENAI

Parcel (PIN) no. _____

Additional points of diversion if any: _____

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. _____

6. Water is claimed for the following purposes:

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

For IRRIGATION purposes from 3/15 to 11/15 amount 0.07 or 6.8

For STOCKWATER purposes from 1/1 to 12/31 amount 0.01 or 0.2

For DOMESTIC purposes from 1/1 to 12/31 amount 0.12 or 5.4

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) 12.4 (acre feet)

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

9. Description of place of use:

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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	26W	10							2.5										2.5
									S										
									D										

Parcel (PIN) no(s). _____

Total number of acres irrigated 25

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

11. Do you own the property listed above as place of use? Yes (X) 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: _____

Last Name _____ Identification No. _____

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 95-9944

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 Coeur d'Alene-Spokane 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) Melody Jones Date: 5-6-07
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Secretary of Trinity Well Users Ass'n
Title Organization LTD

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

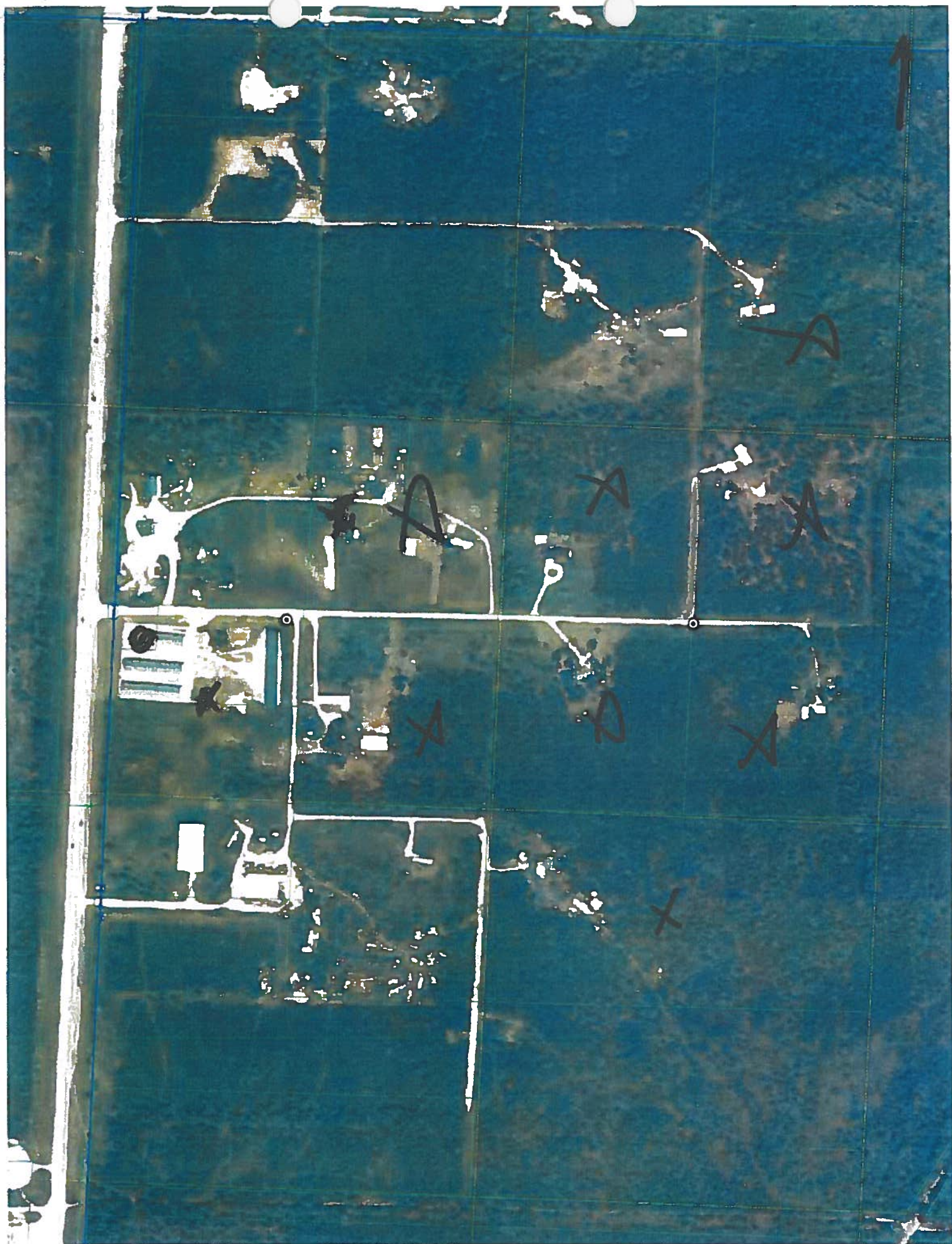
Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Identification No. _____



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 96-08684

Priority: February 6, 1992

Maximum Diversion Rate:
Maximum Diversion Volume:

0.12 CFS
12.4 AF

This is to certify, that RUSSELL WATER ASSN ET AL
PO BOX 476

ATHOL ID 83801 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 6, 1992; and
has submitted Proof of Beneficial Use on June 26, 1992. An examination indicates
that the works have a diversion capacity of .120 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.07 CFS	6.8 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.12 CFS	5.4 AF
	Totals	0.12 CFS	12.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 10, Township 53N, Range 03W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
53N	03W	10	SWNW 2	SEnw 0.5		2.5

Total number of acres irrigated: 2.5

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
53N	03W	10

SWNW

PLACE OF USE: DOMESTIC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
53N	03W	10

SWNW

SEnw

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

RECORDED

JUL 07 1993

State of Idaho
Department of Water Resources

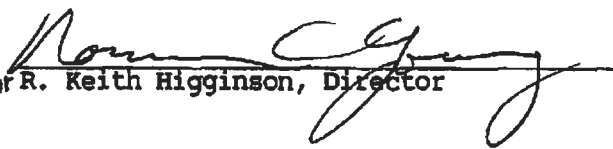
WATER RIGHT LICENSE

WATER RIGHT NO. 96-08684

CONDITIONS/REMARKS:

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Domestic use is for 9 homes.
8. Stockwater use is for 15 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of MAY, 1993.


Acting for R. Keith Higginson, Director

MICROFILMED

JUL 07 1993