

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

RECEIVED

JUN 05 2023

IDWR / NORTH
JUN 03 2023

Ident. Number: 96-2073
Date Received: 6-5-23
Receipt No: N043492
Claim Fee: 7000
Received By: Jo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR / NORTH

1. Name of Claimant(s)

HART LAND ASSOCIATION
c/o Cynthia Hawkes
86 PARTRICK RD
WESTPORT CT 06880

Phone: (509) 863-7848

AND

VAIL LIVING TRUST
C/O RICHARD E & MARY A VAIL
2361 LAKESHORE DR
SAGLE ID 83860

Phone: (208) 255-6645

AND

Reid Lake Property Trust
c/o Catherine Coulson, Trustee
26 Tulalip Key, Bellevue WA 98006

Phone: 425.681.9500 (cell)
Phone: 425.646.5926 (home)

AND

Upton Family Living Trust
c/o Henry Y. Upton, Trustee
230 Todo El Mundo
Woodside, CA 94062

Phone: 650.766.8479 (cell)
Phone: 650.368.6751 (home)

2. Date of Priority: 6/3/1914

3. Source:
PEARL CREEK

Trib. to:
LAKE PEND OREILLE

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
55N	01W	7	NW SE	12	BONNER	

5. Description of diverting works:

GRAVITY FLOW PIPELINE FROM PEARL CREEK TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	01/01	12/31	0.2		

7. Total Quantity Appropriated is:

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

8. Non-irrigation uses:

DOMESTIC USE FOR FOUR HOMES

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
55N	01W	18	NE		NE		
55N	01W	18	NE		NE	5	
55N	01W	18	NW		NE		
55N	01W	18	NW		NE	6	

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

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

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Place of Use was listed incorrectly on the original license. There has been no physical change in the Place of Use and all properties originally served water by this system are still actively using that water.

P/U IN CRESCENT MINING LODE #2309.

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4. 1914 State of Idaho water license 10286; 1914 sketch of point of diversion to point of use; 1971 sketch map of "owners Crescent Lode Number 2039—Special Use Permit—Water Transmission—Sandpoint Ranger District; pdf of "parcel location for CFPRBA claim."

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

President of Hart Land Association.
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 Eleanor Tyson De Forest-Brown Date May 7, 2023

Printed Name of Authorized Agent **Eleanor Tyson De Forest-Brown**

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee of Vail Living Trust.
Agent's Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent **Mary A. Vail**

13. Basis of Claim: License

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee of Vail Living Trust
Agents 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 Mary Vail Date 4/26/22
Printed Name of Authorized Agent Mary A. Vail

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

_____ of _____
Agents 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 _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

<u>Trustee of</u>	<u>Reid Lake Property Trust,</u>
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 Catherine Coulson Date 5/8/23

Printed Name of Authorized Agent **Catherine Coulson**

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

<u>Trustee of</u>	<u>Upton Family Living Trust,</u>
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 **Henry Y. Upton**

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4. 1914 State of Idaho water license 10286; 1914 sketch of point of diversion to point of use; 1971 sketch map of "owners Crescent Lode Number 2039—Special Use Permit—Water Transmission—Sandpoint Ranger District; pdf of "parcel location for CFRBA claim."

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

President of Hart Land Association
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 **Eleanor Tyson De Forest-Brown**

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee of Vail Living Trust
Agent's Title (please print) Name of Organization (please print)

96-2073

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent **Mary A. Vail**

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee of Reid Lake Property Trust
Agent's Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent **Catherine Coulson**

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee of Upton Family Living Trust
Agent's Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent Henry Y. Upton Date 5/6/2023

Printed Name of Authorized Agent **Henry Y. Upton**

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County: Spokane
 Stream: Pearl Creek
 Amount: 1/5 of 1 sec. ft.
 Use: domestic
 Priority: June 3, 1914

STATE OF IDAHO

Water License No. 10286

WHEREAS, On the 3rd day of June, A. D. 1914,
 W. S. Gilbert

of Spokane, County of Spokane, State of Washington, duly made application
 (No. 15247) to me for a permit to use 1/5 of 1 cubic foot per second of the waters of
 Pearl Creek

County of Bonner, State of Idaho, for domestic purposes, and,

WHEREAS, On the 20th day of June, A. D. 1914, Permit No. 10286 was issued
 to said applicant for the diversion of said water and providing for the completion of the works of diversion
 therein described on or before the 20th day of June, A. D. 1915, and for the application to ben-
 efitial use of said water on or before the 20th day of June, A. D. 1916, and,

WHEREAS, On the 16th day of July, A. D. 1914,
 W. S. Gilbert

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 1/5 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10286
 dated July 28, 1914, confirming the completion of works of sufficient capacity for diverting and
 conveying to the place of intended use 1/5 of 1 cubic foot per second of said water,
 with date of priority of June 3, 1914, and

WHEREAS, On the 27th day of August, A. D. 1914,
 W. S. Gilbert

the holder of said permit, duly made proof of the application to beneficial use of 1/5 of 1 cubic
 foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
 hereby grant and confirm to W. S. Gilbert

of Spokane, County of Spokane, State of Washington, the holder and owner
 of said Permit No. 10286, a perpetual right, dating from June 3, 1914
 to the use of 1/5 of 1 cubic foot per second of the waters of Pearl Creek

in the County of Bonner and State of Idaho, or so much thereof as may be necessary for the
 purposes hereinbelow mentioned, to be diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 7,
 T. 55 N. R. 1 W.B.M.,

and conducted to ~~the~~ the Crescent Mining Lode, No. 2309, situated in the NW $\frac{1}{4}$ of
 Sec. 18, T. 55 N., R. 1 W.B.M.,

for the purpose of domestic use, subject, however, to the laws of the
 State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
 or community customs, rules and regulations which have been or may be adopted from time to time by
 a majority of the users from a common source of supply, canal or lateral from which such water may
 be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 16th day of September
 A. D. nineteen hundred and fourteen.

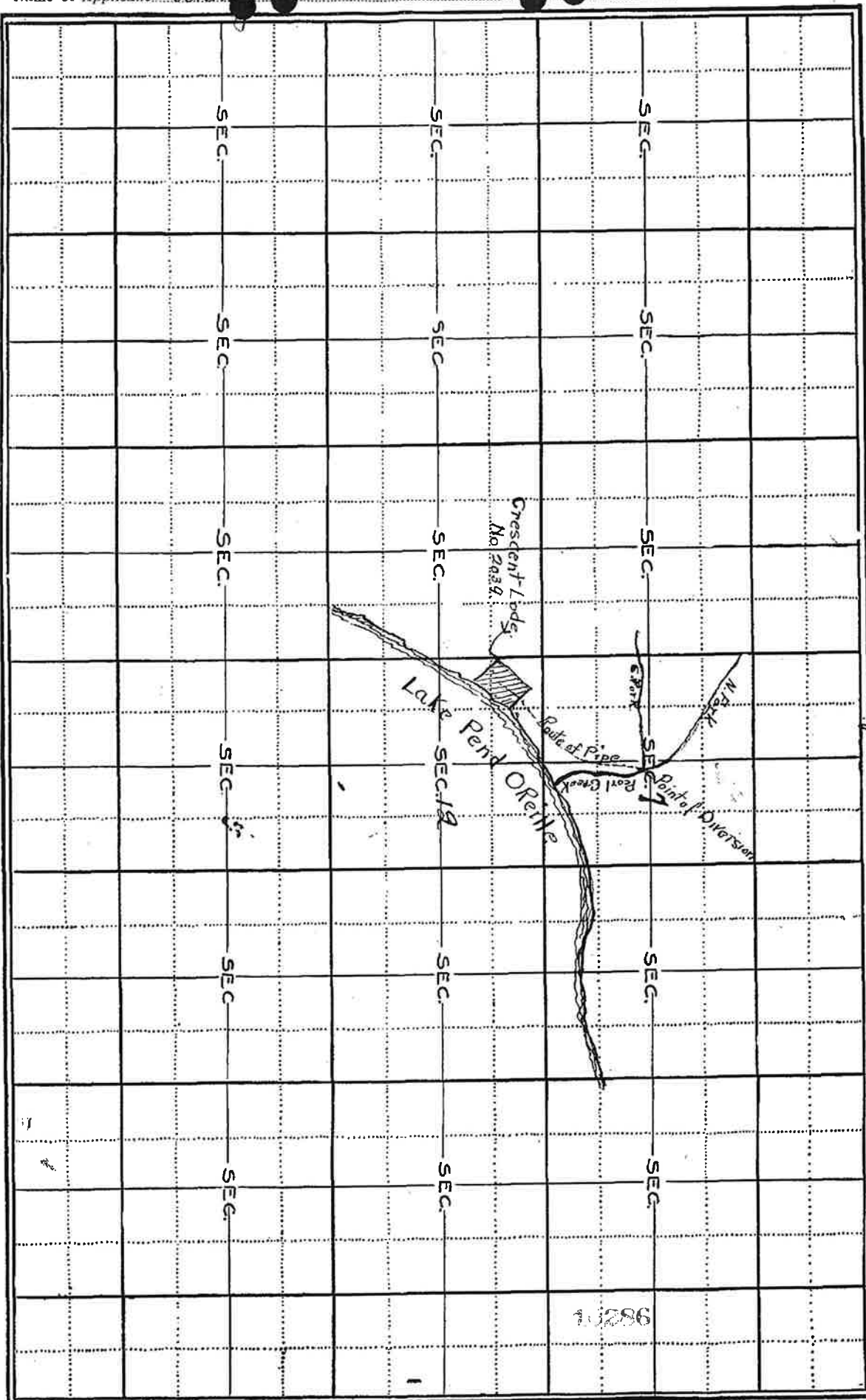
J. P. King,

(Seal)

State Engineer:

2073

Name of Applicant *W.S. Gilbert*



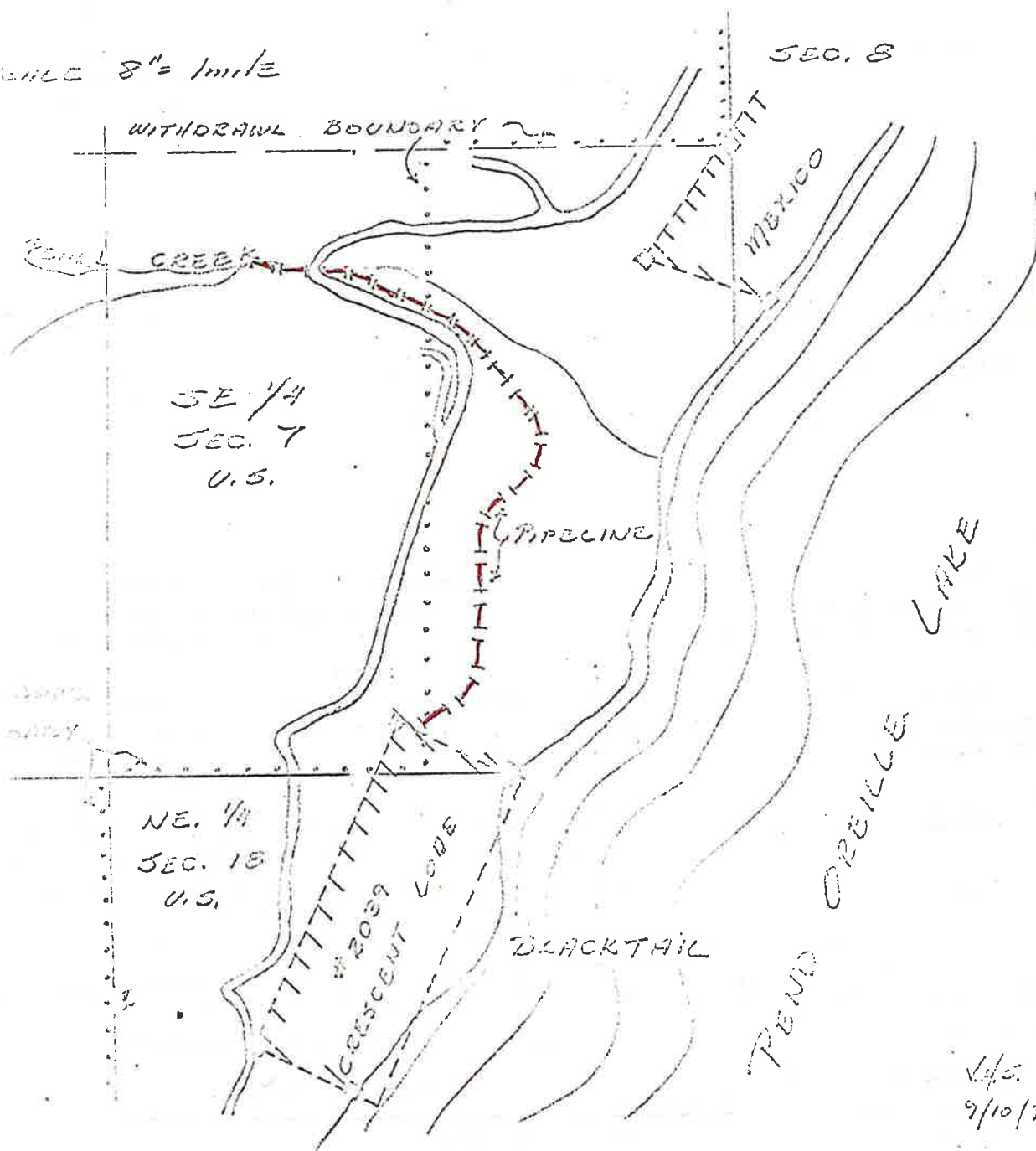
SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Shop, Boise, Idaho.

JOHNS CRESCENT LAND NUMBER 2039
SPECIAL USE PERMIT
WATER TRANSMISSION
SANDPOINT RANGER DISTRICT

R. 1 W.

SCALE 8" = 1 mile



7.55 N.

1/5
9/10/71

PARCEL LOCATION FOR CFPRBA CLAIM

2021 AERIAL PHOTO

