

# 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

Claim ID: 96-8662Date Received: 8-22-2022Receipt No: NO40864Claim Fee: 25.00 By: SB

RECEIVED

AUG 22 2022

## NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

IDWR / NORTH

Please type or print clearly

- Name of claimant(s) Andrelczyk Trust, Alan B. Andrelczyk, trustee Phone (801) 495-1667  
Mailing address 12934 S. Fort Street Draper UT Zip 84020-8694  
Street or Box City State  
Email address (optional) czyk25@comcast.net
- Date of priority: (Only one per claim) 09/09/1991 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) spring  
which is tributary to (b) sinks
- Location of point of diversion is: Township 55N, Range 3E, Section 18,  
SE 1/4 of NW 1/4, or Govt. Lot \_\_\_\_\_ BM, County of Bonner;  
Parcel no. RP55N03E184200A  
Additional points of diversion, if any: \_\_\_\_\_  
If available, GPS coordinates: spring: 48.11742, -116.12848
- Description of diverting works (wells, pumps, spring boxes, pipelines, 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.  
Boxed at spring with 1" gravity fed pip to 500 gallon storage tank (location 48.11712, -116.12887)
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)  
For \_\_\_\_\_ domestic purposes from 01/01 to 12/31 amount .04 cfs (✓) or AFY ( )  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
- Total quantity claimed .04 cfs (✓) or AFY ( )
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)  
domestic: 1 home

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

EASEMENT AND COMMON WATER USAGE  
AGREEMENT

WHEREAS, Robert R. Dudley, a married person dealing with his sole and separate property is the owner of the East Half of the Southeast Quarter of the Northwest Quarter (E1/2 of the SE1/4 of the NW1/4) of Section 18, Township 55 North, Range 3 East of the Boise Meridian, Bonner County, Idaho, (hereinafter referred to as "Dudley Property"); and

WHEREAS, Daniel Skidmore, Jr. a/k/a David Skidmore and Cynthia Skidmore, husband and wife, are the owners of the West Half of the Southeast Quarter of the Northwest Quarter (W1/2SE1/4NW1/4) of Section 18, Township 55 North, Range 3 East of the Boise Meridian, Bonner County, Idaho (hereinafter referred to as "Skidmore Property"); and

WHEREAS, the parties hereto have developed a spring and water storage tank on the Dudley Property; and

WHEREAS, the access road commonly known as Bear Hill Road, a private road, crosses the Dudley Property to reach the Skidmore Property; and

WHEREAS, the parties wish to clarify the rights in the spring and water rights; and,

WHEREAS, Robert F. Dudley and Daniel Skidmore, Jr. have a permit to appropriate water issued by the State of Idaho, Department of Water Resources as Permit No. 96-08662, showing a priority of September 9, 1991, and the right to 0.08 CFS of water; and

WHEREAS, the parties wish to grant an easement for access across the Dudley Property;

NOW, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS CONTAINED HEREIN, IT IS HEREBY AGREED AS FOLLOWS:

1. That Robert R. Dudley hereby grants to Daniel Skidmore, Jr. a/k/a David Skidmore and Cynthia Skidmore, husband and wife, a perpetual easement for ingress, egress, and utilities across the existing Bear Hill Road, which runs northwesterly from the Southeast corner of the Dudley Property to a point approximately midway on the north/south border between the Dudley and Skidmore Properties. This easement shall be perpetual, and shall run with and attach to the Skidmore Property.

2. That the parties hereto agree that any and all water rights under Permit No. 96-08662 shall be shared equally between the Skidmore Property and the Dudley Property, and that those rights shall attach to and run with the Skidmore Property and the Dudley Property.

3. That the Skidmore Property and the Dudley Property shall each have the right to the use of one-half of the water produced by the spring.

4. That upon the owners of either property utilizing the water produced by the developed spring, those owners shall pay for their pro rata share of the maintenance and upkeep of the spring and water storage system.

5. That Robert R. Dudley grants to Daniel Skidmore, Jr. a/k/a David Skidmore and Cynthia Skidmore, husband and wife, a fifteen-foot easement from the spring and water tank storage area in a westerly direction to the common line between the Skidmore

and Dudley Properties, for the placement of water lines, electric lines, and anything else needed to utilize their share of the water from this source. This easement shall be perpetual, attach to and run with the Skidmore Property. The owners of the Skidmore Property shall be responsible for all upkeep, maintenance, construction, and repair of the water line, electric line, or anything else needed to transport the water from the spring and tank area along the easement to the Skidmore Property.

6. The rights and duties of the parties under this Agreement shall be governed by the laws of the State of Idaho.

7. All of the terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

DATED: 5/20/03

Robert R. Dudley  
Robert R. Dudley

DATED: 5/16/03

Daniel Skidmore, Jr.  
Daniel Skidmore, Jr., a/d/a David Skidmore

DATED: 5.16.03

Cynthia Skidmore  
Cynthia Skidmore

STATE OF IDAHO )  
 ) ss.  
County of Latah )

On this 20<sup>th</sup> day of May, 2003, before me a Notary Public in and for the State of Idaho, personally appeared ROBERT R. DUDLEY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Marion E. Passavant  
Notary Public in and for the State  
of Idaho, residing at Moscow, ID.

My commission expires: 10/28/04

STATE OF TENNESSEE )  
 ) ss.  
County of Shelby )

On this 16 day of May, 2003, before me the undersigned a Notary Public in and for the State of Tennessee, personally appeared DAVID SKIDMORE and CYNTHIA SKIDMORE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

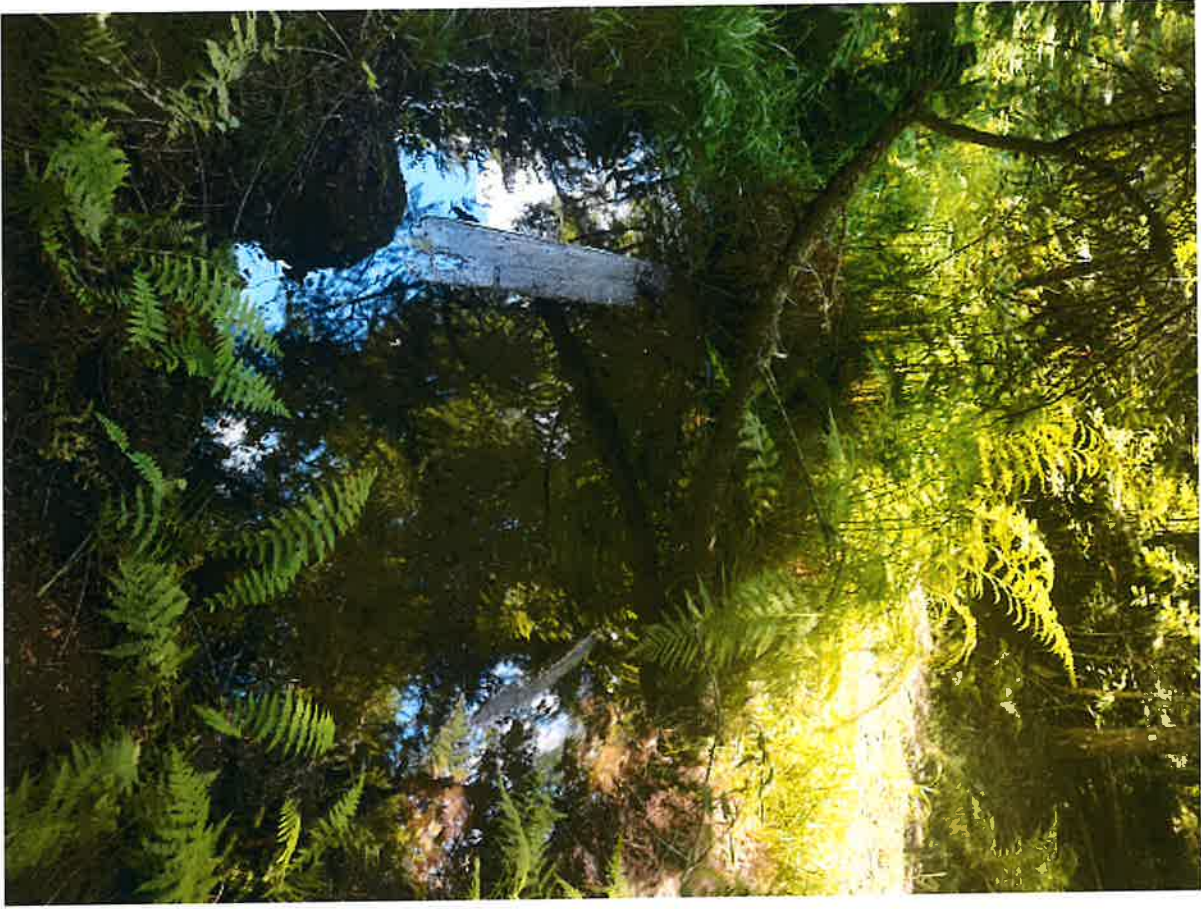
(seal)

Patricia L. Whiteley  
Notary Public in and for the  
State of Tennessee, residing at  
Memphis, TN.

My commission expires: \_\_\_\_\_

My Commission Expires May 16, 2006

Andreiczuk Trust  
parcel RP55N03E184350A  
IDWR WR claim 96-8662



SPRING & STORAGE TANK

Andrejczyk Trust  
Claim 96-8662  
Attachment 3 of 3

