

EXA 197

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: _____

Date Received: _____

Receipt No: _____

Claim Fee: _____

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

DISTRICT COURT - CFPRBA
Fifth Judicial District
County of Twin Falls-State of Idaho

MAY 12 2025

Please type or print clearly

1. Name of claimant(s)
- K & P Big Rock Trust [dtd 12-4-2008]

Mailing address c/o Christopher W. Patterson, 4289 Kingsview Rd, Moorpark, CA Zip 93021

Street or Box

City

State

Email address (optional) cwpattersonlaw@earthlink.net

2. Date of priority: (Only one per claim)
- November 15, 1948
- (Explain priority date selected in Remarks)
-
- Month/Day/Year (YYYY)

3. Source of water supply (Check one)
- Ground Water
- () or Other (✓) (a)
- Priest Lake
-
- which is tributary to (b)
- Priest River / Pend Oreille River

4. Location of point of diversion is: Township _____, Range _____, Section _____
-
- _____ 1/4 of _____ 1/4, or Govt. Lot _____ BM, County of
- Bonner

Parcel no. RP 59N04W103500 A (near Coolin, ID)

Additional points of diversion, if any: _____

If available, GPS coordinates: _____

5. 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.

The owned Parcel [.220 acre] is both lake front, and considered grandfathered (see item 13) as lying partially within lake. Diverting works include hoses, hand pumps, portable buckets for water, and small tools for cutting/removing ice.

6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)

For ice-domestic purposes from 11/15 to 5/15 amount various*(in 13)

For water-domestic purposes from 01/01 to 12/31 amount various*(in 13)

7. Total quantity claimed
- less than 1
- cfs () or AFY (✓)

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

Land uses (no structure): ice-cooling; water-drinking, washing, plants, fire prevention.

EX A 1-17

9. Location of place of use is: Township _____, Range _____, Section _____
_____ 1/4 of _____ 1/4, Govt. Lot _____ BM, Parcel no. RP 59N04W103500 A (near Coolin, ID)
for (check one) **Domestic** (✓) **Stock** () **Domestic and Stock** () If different than shown in Item 4

Additional places of use, if any _____

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

11. Do you own the property listed above as place of use? Yes (✓) No ()
If the 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.
NONE EXISTING; RESERVE RIGHT TO FUTURE CLAIM FOR GROUNDWATER, OTHER SOUR or None ()

13. Remarks (include an explanation of the priority date selected):
Priority date is best estimate. From late 1948 thru Summer 1951, Richard F. & Frances B. Patterson [Patterson], parents of Christopher W. Patterson (co-trustee of K & P Big Rock Trust), owned Paul Jones Beach, Coolin, ID, about 48 acres including Parcel (then about 1/2 acre). [continue attach pg 3]

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 _____

15. **Signature(s)**
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Clark Fork-Pend Oreille River Basin Water System Adjudication."
(b.) I/We do () do not (✓) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: pg 2 of form, 5 other

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

Christopher W. Patterson, co-Trustee of K & P Big Rock Trust [dtd: 12-4-2008]
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 Christopher W. Patterson Date June 28, 2022

Printed Name of Authorized Agent Christopher W. Patterson

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) NA, will be acting as attorney at law of behalf on 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 _____

NOTICE OF CLAIM TO A WATER RIGHT civil case number 69576

ITEM 13 Continued. Patterson made ice and water uses for 16 cabins, small store, owners cabin, and land generally. Patterson retained Parcel ownership when Patterson sold Paul Jones Beach in 1951. Parcel area included a portion lying WITHIN lake; the Parcel was laid out/located maybe as early as 1870s, created prior to when Priest Lake "outlet" dam was created that changed lake shoreline. Circa 1973, the Parcel was rotated in location by Patterson agreement with then Paul Jones Beach owner, Duncan; the Parcel was surveyed for agreement purpose along then lake shoreline, but a portion of rotated Parcel still lay WITHIN lake. In 1975, Patterson split-surveyed Parcel and sold half of Parcel to Lysne, Patterson retaining some .220 acres that is the current subject Parcel (see **attached** page 4 - partial 2022 Assessor Notice with Parcel ID, and pages 5-7 - showing map, agreement letter, survey re events described). In 1988, Christopher W. Patterson and spouse Pennie L. Patterson received, as new owners, the subject Parcel from Patterson and have owned Parcel ever since, including continuing as beneficial owners when later placing Parcel in family revocable trust. There has never been any public or private water service to the Parcel, but Parcel is part of Coolin, ID Sewer District (I-24, Acct 256) and Patterson prepaid sewer use hook-up fee when District was first created, though no hook-up to date. So the Parcel, with passed down rights, currently .220 acres, has been continuously in family since 1948.

* Amount of use varies, is intermittent, and in any year considered in "de minimis" category.



Bonner County Assessor
1500 HWY 2 STE 205
SANDPOINT, ID 83864
(208) 265-1440

2022
ASSESSMENT NOTICE

EXA 49

THIS IS NOT A BILL.
DO NOT PAY.



Go Paperless
eNoticesOnline.com
AUTHORIZATION CODE
BON-MDJKGR3X

Return Service Requested

27641*79**G50**0.6375**1/2*****AUTOMIXED AADC 990
K & P BIG ROCK TRUST
% PATTERSON CHRISTOPHER W
& PATTERSON PENNIE L TRUSTEES
4289 KINGSVIEW RD
MOORPARK CA 93021-2788



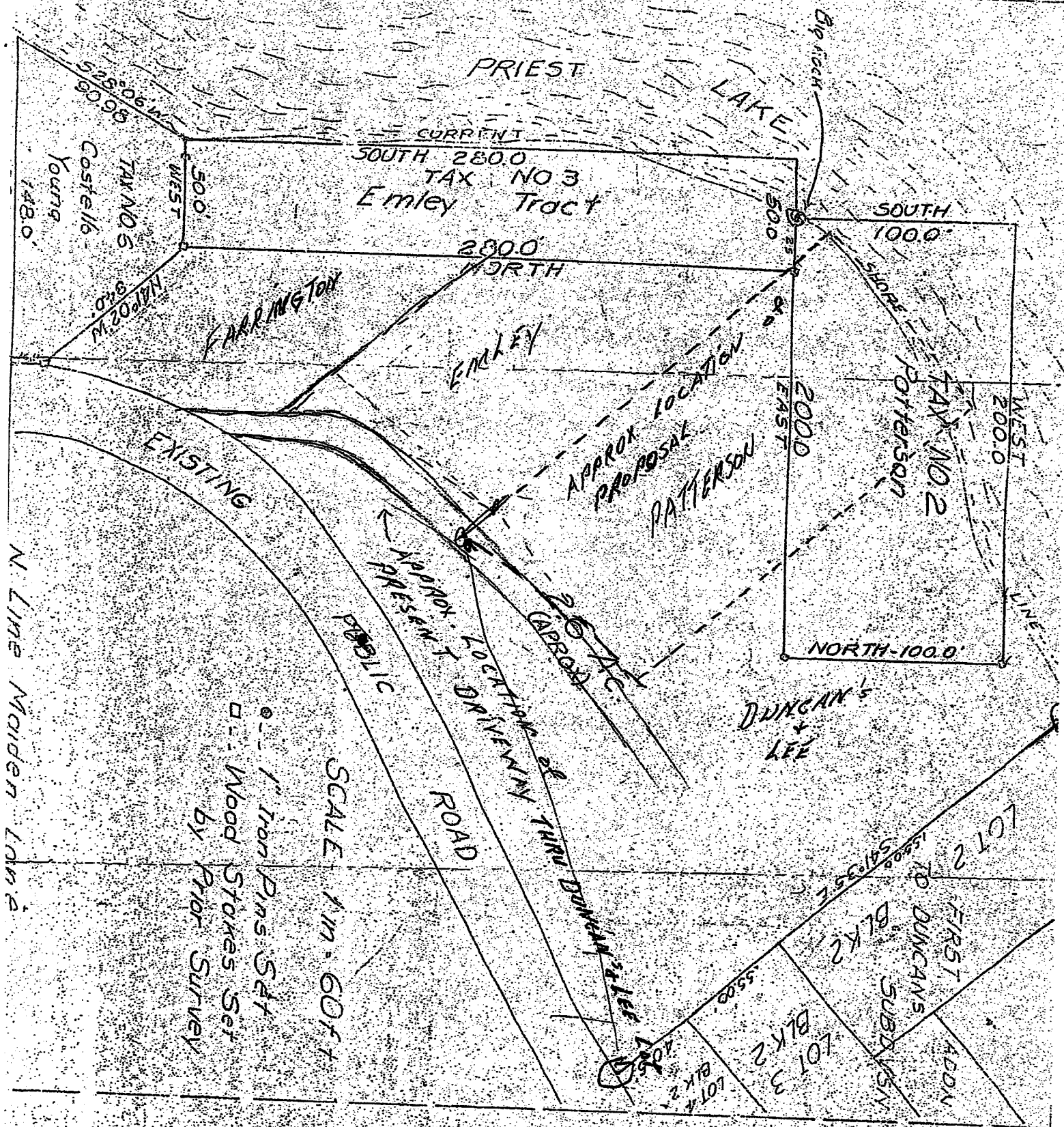
Parcel Description: 10-59N-4W
W2 OF TAX 34

Parcel Number: RP 59N04W103500 A

Tax Code Area: 14-0000

Parcel Address:

EXA 5 of 7



#2

Dear Mr Patterson,

EXA 607

If you would agree to change the location of your lot, as indicated on this sketch, we would sell the ground behind Farrington & Emley to them, and make a trade with you for lake front gained by this change. The four of us would share all survey & legal costs. The present driveway would serve as access for all.

Yours Truly

Red Duncan

116508 Normandie

Spokane, WA 99208

EX B 191

08/07/2024

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 97-9502

NAME AND ADDRESS: K & P BIG ROCK TRUST
C/O CHRISTOPHER W PATTERSON
4289 KINGSVIEW RD
MOORPARK CA 93021

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

EX C 1 of 3

K & P Big Rock Trust [12-4-2008]
Christopher W. Patterson, Trustee
Pennie L. Patterson, Trustee
4289 Kingsview Road
Moorpark, CA 93021-2788
CWP cell (805) 300-1984
PLP cell (805) 300-1872

October 1, 2024

Via USPS EXPRESS MAIL
State of Idaho
Idaho Department of Water Resources (IDWR)
P.O. Box 83720
Boise, ID 83707-9815

Re: WATER RIGHTS NUMBER: 97-9502 (In Bonner County, ID)
Correction letter to IDWR, re draft IDWR response to Court re CFPRBA
Copy of Notice of Error form **attached** / **this letter details our position on errors**

Dear Water Resources Staff,

This is our CORRECTION LETTER to IDWR's initial findings (and conclusions) as to our water rights under # 97-9502, which findings IDWR intends to file with the Court for the current adjudication unless/to the extent IDWR reviews and accepts corrections we present here.

Present Understandings

It is understood that if IDWR does not deliver to the Court our corrected version of our rights in IDWR's recommendations that we would have/would have notice of the right for us to present objection to the Court and have the Court resolve / decide the issues.

It is further understood that water rights matters do not extend to adjudication of land rights, though there may be overlap. The litigation only applies to issues of water rights.

IF EITHER UNDERSTANDING IS INCORRECT (NOT VIEW OF IDWR), please advise.

Corrections Presented

Preliminarily, we recognize that generally IDWR treats the status of beneficial water rights claim as present only if "presently used", and the disagreements and requested correction of errors presented here follow that premise, without admission as a given.

Your findings letter to us said, with no specific water right item reference: "**no beneficial use found.**" We address that position below.

In our previously submitted Notice of Claim to a Water Right, dated June, 28, 2022, we made the following claims (**totaling under 1 acre feet/year**). Correction items listed below.

1. **Lake Water Use** - We claim CONTINUOUS RIGHT TO USE OF LAKE WATER UNDERLYING OUR LAND, WHICH STATUS IS BOTH GRANDFATHERED AND NOT LOST BY "SUDDEN CHANGE IN LAKE SHORELINE DUE TO DAM INSTALLATION. We provided documentation in our 6-28-2022 Claim papers, and reattach plot for emphasis, the original plot of our land with portion in the lake - a right from at least 1948, and before, decades before, derived from the 1870 founder of Coolin, ID, Mr. Leonard Paul who first owned the land.

2. **Lake Ice Use** - We claim INTERMITTENT RIGHT TO TAKE ICE FOR DOMESTIC USE ON OUR WATERFRONT LOT, AND THAT SUCH NEED NOT BE CONTINUOUS TO BE A CURRENT RIGHT. Above documentation applies to the history. The ice taking, based on the land, was/has always been intermittent.

3. **Lake Water Domestic Use** - we admit no structure is currently on our land, and we only use water intermittently when going on the land. As such, use is intermittent, **EXCEPT THAT** lake water taken from our overlying land is in continuous use under item #1 above.

Thank you for your courtesy in and attention to this matter.

Very Truly yours,





Christopher W. Patterson and Pennie L. Patterson

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 10/4/2024

Water right number: 97-9502

K & P BIG ROCK TRUST
C/O CHRISTOPHER W PATTERSON
4289 KINGSVIEW RD

MOORPARK CA 93021
Telephone Number: (805) 300-1874

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

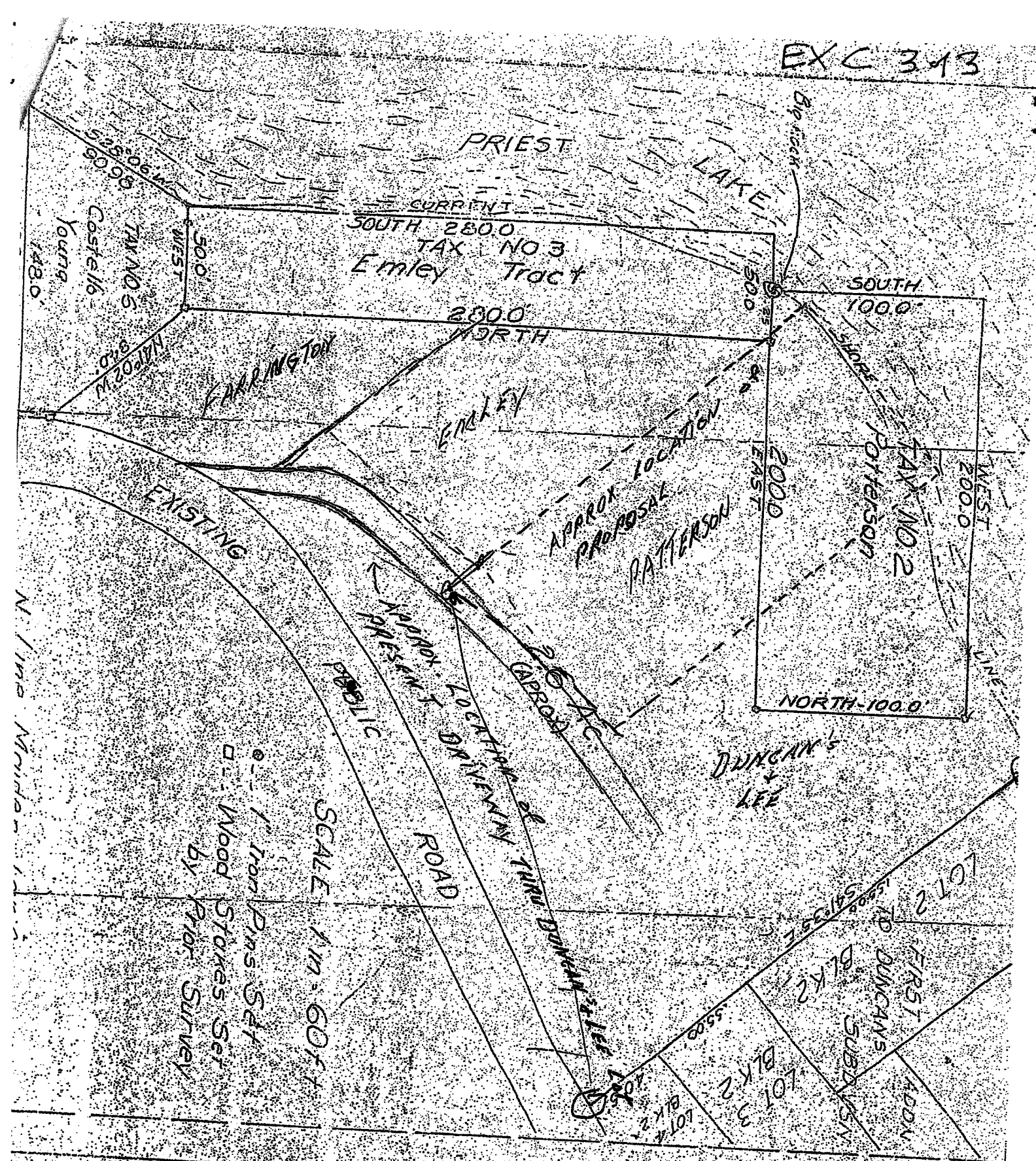
____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

EXC 343



#2



IDAHO DEPARTMENT OF
WATER RESOURCES

EX D 1011

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 22, 2024

K & P BIG ROCK TRUST
C/O CHRISTOPHER W PATTERSON
4289 KINGSVIEW RD
MOORPARK, CA 93021

RE: Clark Fork-Pend Oreille River Basin Adjudication claim 97-9502

Dear Claimants:

Thank you for returning the Notice of Error for your water right claim. At this time, we do not see enough evidence to support your beneficial use claim for domestic purposes from Priest Lake. You will receive notice of the Director's Report we submit to the Idaho Water Adjudications Court. The Director's Report will contain the recommendation as to how your claimed water right should be decreed in the Clark Fork Pend Oreille River Basin Adjudication. The Court will decide how to decree your water right. At that time, you may file an objection with the court if you do not agree with the Director's Report.

Please note that your disallowed adjudication claim does not prevent you from establishing a new water right. You can file an Application for Permit to establish a new water right. I have enclosed an Application for Permit with instructions, and a form to apply claim fees to the application.

If you have any questions, please feel free to contact me at 208.287.4881 or sandra.thiel@idwr.idaho.gov.

Respectfully,

Sandra Thiel

Enclosures