

285.

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px; text-align: center;"> APR - 2 2019 </div> By _____ <div style="text-align: right; margin-right: 20px;"> Clerk Deputy Clerk </div>

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

In Re CSRBA)
)
)
Case No. 49576)
)
)
)
)
)
)

Subcase 95-17513
(Insert water right number)

STANDARD FORM 3

MOTION TO FILE AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** amended Notice of Claim.

By filing a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

I have read *CSRBA Administrative Order 1*, Rules of Procedure.

My name is Chris Varela

My address is 5803 West Riverview Drive, Coeur D'Alene, ID 83814

My phone number is: work _____ Home (208) 929-2507

I am an attorney representing Chris Varela

My name is Thomas J. Budge

My address is 201 E. Center Street, P.O. Box 1391
Pocatello, ID 83204

My phone number is (208) 232-6101

I must amend my Notice of Claim to the use of water in the CSRBA because:
Information has been discovered to support an earlier priority date. In addition, the original
Notice of Claim erroneously included the adjacent property owned by the Varela Family
Trust . The Varela Family Trust has filed its own notice of claim.

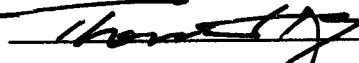
I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.
Letter from Connie Dahlberg and historical homestead documents.

I have attached:

- A fully completed amended Notice of Claim (available from IDWR).
- Any additional claim filing fee required pursuant to I.C. §42-1414(2). To determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

(Signature of person filing motion)



(Attorney signing in representative capacity)

INSTRUCTIONS FOR MAILING

You must mail this motion to the Clerk of the court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on March 29, 2019, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707


2. One copy to each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

3. Copies to:

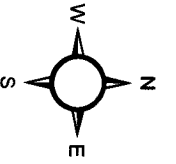
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Movant or attorney
mailing on Movant's behalf

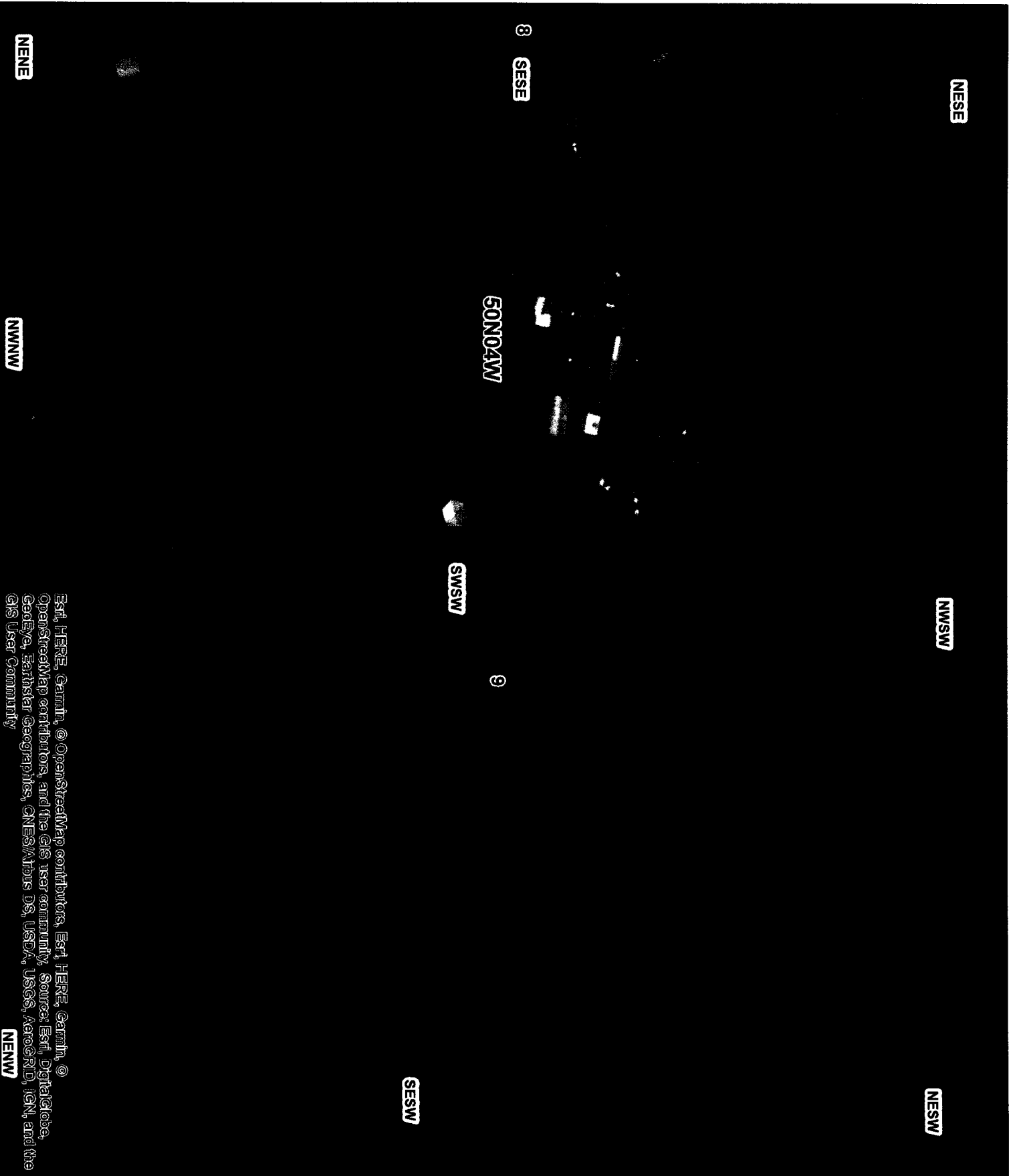


Legend

- POD
- ▭ POU
- ▭ TR Lines
- ▭ Section Lines
- ▭ Quarter Quarters



50914



Est. HERE, Garmin, © OpenStreetMap contributors, Est. HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Est. DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

NENW

GENERAL AFFIDAVIT

State of Idaho
County of Kootenai

I, the undersigned, am over the age of 18 and a resident of the state of Idaho. I have personal knowledge of the facts in this affidavit, and, if called as a witness, could testify competently about them. I do hereby swear, certify, and affirm the following regarding the property located at 5803 West Riverview Drive (hereafter referred to as the Farm"), that:

1. Myself and my family (Dahlberg) purchased the Farm on January 23, 1957 and moved onto the property as our primary residence. The original hand-dug well located near the property entrance existed prior to our purchase of the property in 1957 and to the best of my knowledge was the original developed water source for the property since it was homesteaded in 1907. Additionally, this well was the sole source of water for the property for domestic, irrigation and commercial purposes (our dairy operation wherein we cared for approximately 30 to 60 dairy cows, milked, processed milk and sold milk there daily).
2. I grew-up on this property from age 9 and personally can attest to the use of the original hand-dug well and related piping and reservoir system as the sole source of water for those purposes stated above.

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct to the best of my knowledge.

Date: 3/26/2019 Connie (Dahlberg) Montanye
Connie (Dahlberg) Montanye

Witness:

Date: 3/26/2019 Terry Montanye
Terry Montanye

Narrative Description

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

Summary Paragraph:

The Mooney-Dahlberg Farmstead is located approximately four miles west of Coeur d'Alene, Idaho, near the south bank of the Spokane River. The site is directly adjacent to Riverview Road, a branch of Upriver Road, which extends northwest from Highway 95 South. The farmstead is located on top of a large knoll that comprises hilly timber country lying between Coeur d'Alene Lake's Cougar Bay and the Spokane River. The farmstead is still used for agricultural purposes and agricultural demonstrations, as well as a commercial enterprise that provides a meeting place and food service. The entire property covers 160 acres; however, the nominated barnyard complex comprises only approximately three acres.

Narrative Description

Several buildings and structures comprise the Mooney-Dahlberg farmstead. The farmstead layout is a rough circular plan, with a domestic complex located on the southwest side of the circular driveway, and the agricultural complex located northeast at various points along or within the driveway. The domestic complex includes a dwelling, lawn area, modern seepage pond, and well house; these buildings/structures are either modern or have been significantly altered and, therefore, are not part of this nomination. The agricultural complex includes the main barn, two silos, a multi-functional agricultural building, and a milk parlor. A private lane extends east up the hill from the circular driveway, and two small modern sheds are located on its north side. Further east, the property includes hay and pasture land, and a former clay quarry no longer in use. All but two of the agricultural outbuildings still located on the farmstead were built between 1923 and 1960.

Inventory of Buildings and Structures:

1. Main Barn

Construction Date: c.1925
Eligible, Contributing
Builder: unknown

The building is a two-and-one-half story barn with a gambrel roof and a poured-concrete foundation. The main section of the barn is approximately 50 feet wide and 70 feet long. It is approximately 42 feet in height. The attached milk and tack room on its southwest corner measures 16 feet wide and 40 feet long. A modern deck abuts (but is not attached) to the barn's north elevation; its dimensions are approximately 30 feet by 70 feet. The barn's gambrel roof has exposed rafters and flared eaves, and is clad with galvanized metal sheeting. A gable-roofed, wood-framed cupola with wooden louvers is centered on the roof's ridge. Two shed-roofed dormers are located just below the secondary ridge that creates the gambrel roof. The barn has a concrete floor. The balloon-frame walls are clad in shiplap siding. All the bargeboards, window frames, door bracing and framing, and corner boards on the entire structure are painted white; the exterior walls are painted red.

The west elevation's main section foundation is three feet in height on the north end, and is banked into the hill slightly on the south end. The foundation at the south end is stone masonry faced with concrete. The west elevation's first story has a doublewide entryway leading to a central alleyway. The entryway is covered by wood brace-and-frame double doors that are hinged to swing outward. Two fixed windows with false wood muntins flank each side of the doorway. Two similar windows are centered in the second story above the loft floor; a matching window is located in the top half-story below the hay track. A shed-roofed, lean-to addition extends south over the attached tack and milk room.

The milk room is a one-story, gable-roofed building with a 3-foot concrete foundation. Balloon-frame walls extend above and are covered with shiplap siding. Located in the milk room's west elevation are two, four-light hopper windows. A small rectangular vent is located between the roof's eaves. Between the milk room and the main barn on the west elevation is a partially enclosed area that consists of a small animal pen. Five window openings into the main section's south elevation can be seen from this vantage point. The west elevation of the deck section is wood framed with matching shiplap siding and trim. A wood and metal stairway on its north end leads to the top of the deck.

The main section of the barn's south elevation is slightly banked into the hillside. The west end of the south elevation has an attached tack and milk room. Two single-door entryways are centered in the milk and tack room, which is divided into two sections. One leads to the milk room and the other to the tack room. The doors have braced wood framing. Above the doors is a gable-roofed porch cover. The two doors are flanked by five windows on the west side (the milk room), and two windows on the east side (the tack room). All are hopper windows consisting of four lights.

Below the windows by the tack room, a concrete ledge projects from the foundation. Milk cans were left here for pickup by the local creamery's milk wagon or truck. The lean-to portion of the south elevation is set back from the tack room on the east side.

The main section of the barn's east elevation has a central doorway and doors that match the west elevation. Between the eaves above the doorway is a hinged hay door. Two wood-framed, fixed windows are located in the main section of the east elevation's first story—one is offset toward the north side; the other one is located in the north end. Double sliding doors lead into the lean-to portion's east elevation. Above the doors is another framed opening.

The first story of the main section's north elevation is still visible underneath the abutting deck area. It is wood framed with shiplap cladding. A ribbon of eleven windows is located towards the west end of the section. The windows are wood framed with fixed, single lights. The north elevation of the deck area has no walls, and the braced post-and-beam framing underneath the deck area is visible.

The first-story interior of the barn's main section includes a central driveway and open area, with a staircase on the south side leading to the loft area. The first-story central driveway is formed by two rows of ten timber posts supporting the timber beams and joists underneath the loft floor. The posts measure 6" x 10", and are rough-sawn lumber resting on concrete piers. The posts are tied to the piers with metal plates. The beams, which measure 8" x 8", are rough-sawn lumber. A rough-sawn bolster is located between the post and the beam, providing additional support for the beam joint above the post. The interior space on each side of the central alleyway is open; it may have originally contained animal pens or storage areas for fruit.

The loft's roof is framed with braced rafters, creating a large open area for storage of approximately 125 tons of hay. The original loft floor has been covered with plywood panels on the interior. A doorway has been added to the loft's north elevation to provide access to the modern deck. A hay track is suspended from the king post at the top of the loft; no rope or hay fork are still extant. The hay door has been slightly altered; some of the wood siding in the top portion was taken out and replaced with window glass. The hay door's original massing and proportions have not been altered.

2. Equipment Shed/Shop/Loft Brooder House

Construction Date: c.1925

Eligible, Contributing

Builder: Unknown

The building is located directly south of the barn across the driveway. It is a one-and-one-half story, wood-framed building with a gabled roof and concrete slab foundation. The walls are clad with shiplap siding and the roof is covered with metal. The walls sit on the poured foundation, except for one area where the sill consists of concrete blocks. The building's dimensions are 25 feet in width and 61 feet in length. It is divided into three main sections: a tool shop on the west end, a one-story equipment storage area on the east end, and a two-room area in the half-story loft that was formerly used as a poultry brooder house. Concrete stairs adjacent to the west elevation extend up the hill, where fruit trees from an old orchard are located.

On its south elevation, the building's first story is banked into the hillside, and the bottom portion of the wall consists of concrete blocks. The half-story loft area projects above the ground, with a gabled-dormer centered in the middle of the roof-wall junction. The dormer covers a single doorway that is approximately three-and-one-half feet above grade level. The doorway is flanked by a row of three window openings on each side that light the half-story loft area. The openings are covered with chicken wire.

The shed's west elevation provides access to the shop section of the building. A single-entry door is offset on the north side; it is wood framed, hinged and z-braced. To the north of the doorway is a wood-framed window with two vertical lights. In the south end of the half-story loft area is a row of three window openings; no glazing is still extant. A louvered vent is located at the very top of the gable-end.

The building's north elevation extends the full height of the building. On its east end, three large drive-in equipment bays are located in the building's first story. The entryways have clipped corners, white wood trim and no doors. West of the entryways are three window openings into the first-story area. The one nearest to the doorways is a small opening (no lights or muntins are extant) into a toilet room that is no longer in use. The other two are larger openings into the tool shop area; one has two vertical lights and the other has no lights or frames extant. In the half-story loft area, five horizontally rectangular window openings run the length of the north elevation. One opening is located in a shed-roofed dormer that is centred in the roofline.

The shed's east elevation wall is composed of a concrete block foundation topped with wood framing clad with shiplap siding. A row of three vertical openings are located in the loft area; no framing, lights, and window trim are extant. A small louvered vent is located between the eaves of the gabled end.

The interior of the building is divided into three sections: the equipment parking area; the shop area; and the two-room loft area. The toilet room's original inside-out framing, along with a hopper opening located in a concrete sill below the room, indicate that this area may have originally been used for grain storage. An interior wall (added at a later date) separates the equipment parking area and toilet room from the tool shop area. The interior ceiling of the loft area's west room is finished with insulation boards that hold wood shavings in place. This type of finished ceiling is typical of a loft form of brooder houses used year-round.

Other than the grain storage/toilet room and dividing wall, the building has undergone few alterations.

3 & 4. Concrete-Stack Silos
Construction Date: c.1959
Contributing
Builder: Unknown

Two concrete-stack silos are located near the northeast corner of the barn. They are approximately 42 feet in height and 51½ feet in circumference. The silo walls are composed of pre-fabricated curved pieces of concrete that are 30 inches in length and 4 inches thick. The pieces interlock to form the round silo, with several iron bands surrounding the silo to hold the pieces in place. The foundations of the silos are poured concrete. Domed metal roofs cap the silos and metal surrounds cover the ladders that lead to the tops of the silos. Small openings into the silos are vertically located along the ladders. The openings are composed of prefabricated concrete frames. The silos' interior walls are covered with a cement wash to protect against acid erosion caused by ensilage. Both silos have dirt floors. On the silo closest to the barn, the exterior appears to have been covered with some sort of mortar or cement wash to create a smoother surface, and then painted white. The other silo does not have this type of exterior treatment. Both silos were missing their caps until recently. New metal caps were restored in 2008.

4. Milk Parlor
Construction Date: c.1959
Contributing
Builder: Unknown

The milk parlor is located slightly southwest of the main barn, and is partially banked into the hillside. It consists of two attached sections. The western section originally comprised the milking stalls and milk storage area. It is a one-and-one-half story, gambrel-roofed building composed of concrete-block walls, a wood-framed loft area clad with wood weatherboard siding, and a concrete slab foundation. The other section (formerly a loafing shed) is a one-story, gable-roofed building with a concrete-block bank wall on its south elevation. The east elevation is wood framed clad with shiplap siding. Both sections are painted red and have metal roofs. The trim on the window and door surrounds, corner boards, and bargeboards is painted white.

The front façade of the milk storage room comprises the building's west elevation. The first story includes a central entryway that has been altered into a single doorway covered with a wood panel door. To the north of the door is a small fixed window with two horizontal lights and a projecting concrete sill. South of the door is a metal-framed, rectangular

window of two-over-two lights and a projecting concrete sill. Above the first-story door is an entryway leading into the loft area; it is covered with a wood slab door. It is flanked by two wood-framed, fixed windows with two-over-two lights.

The south elevation is gradually banked into the hillside. The south elevation's western end has a metal-framed, rectangular window of two-over-two lights and a projecting concrete sill; this window allows light into the former milk room area. To the east of this window are two smaller wood-framed, double-hung sash windows, each with four-over-four lights. These windows allow light into the area that originally included milk stanchions. The south elevation's eastern end includes the former loafing shed, whose walls were recently enclosed. Three aluminium slider (1/1) windows with decorative wood surrounds are located in the former loafing shed's south elevation.

The former loafing shed's east elevation consists of a wood-framed wall clad with "shiplap" novelty siding. Centered in the gable end is a large louvered vent. The north elevation of the former loafing shed is wood framed with weatherboard siding. There is a double, sliding glass doorway located on the east end, and west of the doorway are two aluminium (1/1) slider windows. West of these windows is a recessed area that formerly held milk stanchions. It includes a small casement window and wood batten door. An interior wall separates the former milk room from the stanchion area; a wood-framed window with two-over-two lights is centered on the north elevation of the former milk room.

Though portions of the building have been altered, those altered portions face away from the main driveway. The building is still recognizable as a milk parlor, though it no longer functions in that manner. The milk-room portion functions as cold storage for eggs and equipment, and still has the glass vacuum-style milk pipeline located in its interior. The former loafing shed and stanchion areas presently function as a bunkhouse.

The domestic complex of the farmstead, which includes a dwelling and well house, are not included in this nomination. Though they are historic (both constructed circa 1925), they have been extensively altered and retain little integrity. Two sheds located east of the barnyard complex have been excluded because they are modern, movable structures on skids.