

**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 95-07449

Date Received 6-19-09

Receipt No: NO20969 B

Received By: WJ

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

RECEIVED

JUN 19 2009

IDWR / NORTH

Please type or print clearly

1. Name of Claimant (s) State of Idaho, Dept. of Parks & Recreation Phone (208) 334-4199
Mailing Address Statehouse Mail, PO Box 83720, Boise ID Zip 83720-0065
2. Date of Priority (Only one (1) per claim) May 15, 1974
3. Source of water supply (Check one) Groundwater ☒ or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 46N, Range 03W, Section 11,
NE, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of BENEWAH
Parcel (PIN) no. WITHIN HEYBURN STATE PARK BOUNDARY
Additional points of diversion if any: L3(NENW) & SENW & NESW, S01, T46N, R04W
If available, GPC 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 of claimed instream flow 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. Wells, Submersible Pumps, pipelines to Municipal use areas.

6. Water is claimed for the following purposes:

For MUNICIPAL purposes from 01/01 to 12/31 amount 0.20 or 145.1

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) 145.1 (acre feet)

8. Non-irrigation uses. Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) MUNICIPAL

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. See attached pages 1-4

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel (PIN) no(s). Heyburn State Park Boundary Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes ☒ 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 purposes as described above. _____

95-07056, 95-07057, 95-07058, 95-07059, 95-07449 & 95-07562 or None ()

13. Remarks APPROVED TRANSFER 74813.

Last Name PARKS & REC Identification No. 95-07449

RightID618400

Place(s) of use:

Place of Use Legal Description: MUNICIPAL BENEWAH County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
46N	03W	2		SWNE			SWNE		10	SWNE		10	SWNE	
				SWNW			SWNW		13	SWNW		13	SWNW	
				SENE			SENE		10	SENE		10	SENE	
				NESW			NESW		15	NESW		15	NESW	
				NWSW			NWSW		13	NWSW		13	NWSW	
				SWSW			SWSW			SWSW			SWSW	
			20	SWSW		20	SWSW			SESW			SESW	
			19	SESW		19	SESW							
				NWSE			NWSE		15	NWSE		15	NWSE	
				SWSE			SWSE		18	SWSE		18	SWSE	
		3								SWNE			SWNE	
			10	SWNE		10	SWNE			SENE			SENE	
			10	SENE		10	SENE							
				SWSW			SWSW		18	SWSW		18	SWSW	
				SESW			SESW		18	SESW		18	SESW	
				NESE			NESE			NWSE			NWSE	
			14	NWSE		14	NWSE			SWSE			SWSE	
			16	SWSE		16	SWSE		15	SESE		15	SESE	
		4		NESW			NESW		10	NESW		10	NESW	
				NWSW			NWSW			NWSW			NWSW	
			10	NWSW		10	NWSW			SWSW			SWSW	
			16	SWSW		16	SWSW			SESW			SESW	
			16	SESW		16	SESW							
				SWSE			SWSE		12	SWSE		12	SWSE	
				SESE			SESE		12	SESE		12	SESE	
				NENE			NENE		4	NENE		4	NENE	
				NWNE			NWNE			NWNE			NWNE	
				NWNE			NWNE		1	NWNE		1	NWNE	
			2	NWNE		2	NWNE		4	NWNE		4	NWNE	
		5		SWNE			SWNE		7	SWNE		7	SWNE	
			7	SWNE		7	SWNE			SENE			SENE	
				SENE			SENE		6	SENE		6	SENE	
			7	SENE		7	SENE							
			2	NENW		2	NENW		3	NENW		3	NENW	
			8	SESW		8	SESW							
				NESE			NESE		7	NESE		7	NESE	
			8	SWSE		8	SWSE							
		6												
			1	SWNE		1	SWNE							

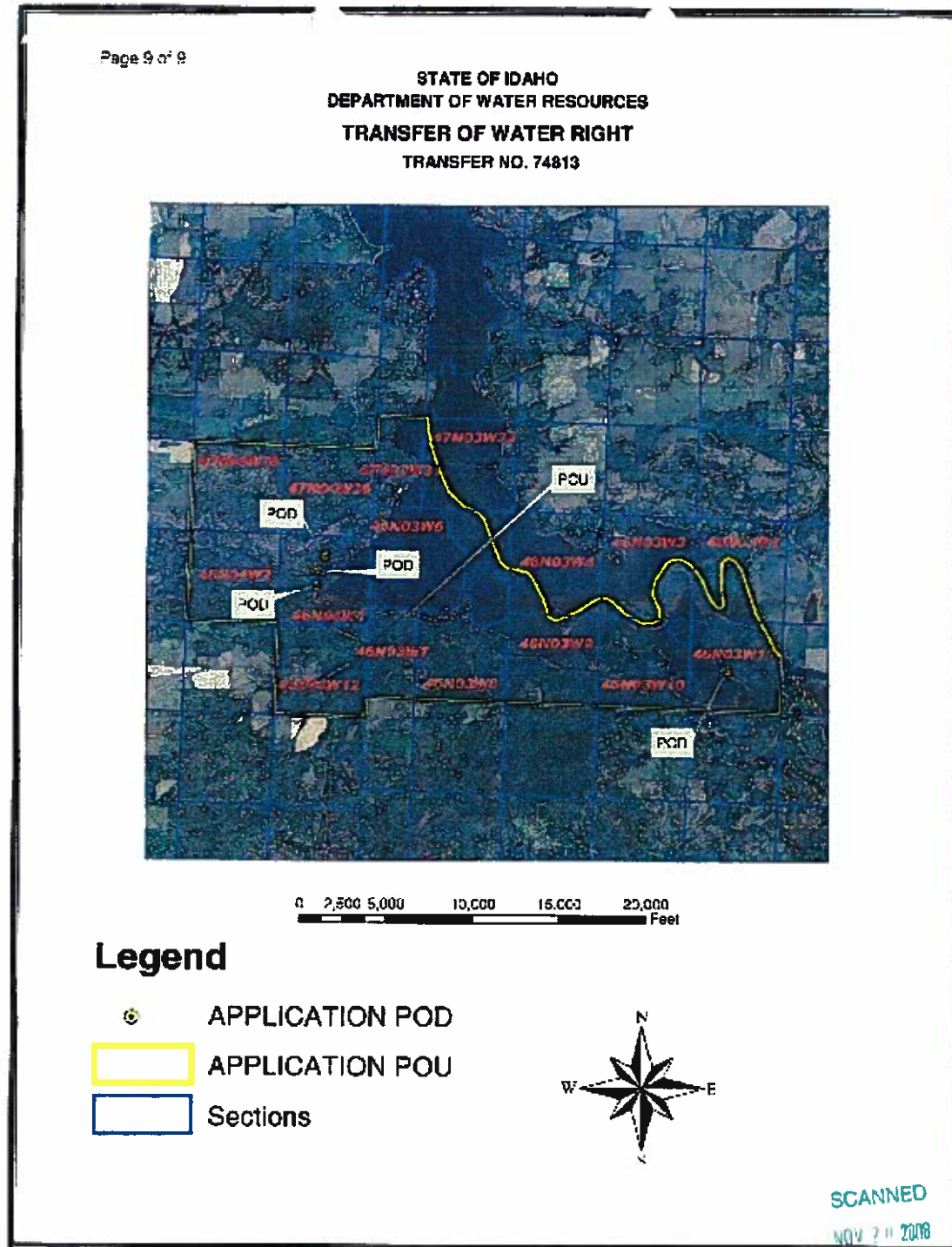
7	2	NESW	2	NESW	4	SESW	4	SESW
	3	SESE	3	SESE		NENE		NENE
		NENE	1	NENE		NWNE		NWNE
	1	NENE	2	NWNE	3	SWNE	3	SWNE
	2	NWNE		SENE				
		SENE	4	NESW	5	SESW	5	SESW
	4	NESW		NESE		SESE		SESE
		NESE	1	NENE	2	NWNE	2	NWNE
	1	NENE		SWNE		SENE		SENE
		SWNE		NENW	3	NENW	3	NENW
8		NENW		NWNW	4	NWNW	4	NWNW
		NWNW		SWNW		SENE		SENE
		SWNW		NESW		NWSW		NWSW
		NESW		SWSW		SESW		SESW
		SWSW		NESE		NWSE		NWSE
		NESE		SWSE		SESE		SESE
		SWSE		NENE		NWNE		NWNE
	1	NENE	1	NWNE		SWNE		SWNE
		NWNE		SENE				
		SENE		NENW	3	NENW	3	NENW
9		NENW		NWNW	4	NWNW	4	NWNW
		NWNW		SWNW		SENE		SENE
		SWNW		NESW		NWSW		NWSW
		NESW		SWSW		SESW		SESW
		SWSW		NESE		NWSE		NWSE
		NESE		SWSE		SESE		SESE
		SWSE		NENE	1	NENE	1	NENE
	1	NENE	1	NWNE		NWNE		NWNE
		NWNE		SENE		SWNE		SWNE
		SENE		NENW	4	SENE	4	SENE
10		NENW	3	NENW		NWNW		NWNW
		NWNW		SWNW		SENE		SENE
		SWNW		NESW		NWSW		NWSW
		NESW		SWSW		SESW		SESW
		SWSW		NESE		NWSE		NWSE
		NESE		SWSE		SESE		SESE
		SWSE		NENE	2	NENE	2	NENE
	1	NENE	1	NWNE		NWNE		NWNE
		NWNE		SENE		SENE		SENE
		SENE		NENW	2	NWNE	2	NWNE
11		NENW	3	NENW		SENE		SENE
		NWNW		SWNW		NWNW		NWNW
		SWNW		NESW		SWNW		SWNW
		NESW		SWSW		SENE		SENE
		SWSW		NESE		NWNW		NWNW
		NESE		SWSE		SWNW		SWNW
		SWSE		NENE		SENE		SENE
	1	NENE	5	SENE				
		NWNE		NENW				
		SWNE	3	NWNW				
	4	SWNW	4	SWNW				

47N	04W	1	NESW	NESW	NWSW	NWSW
			SWSW	SWSW	SESW	SESW
			NESE	NESE	NWSE	NWSE
			SWSE	SWSE	SESE	SESE
			NENE	NENE	1 NENE	1 NENE
			2 NWNE	2 NWNE	SWNE	SWNE
			5 SWNE	5 SWNE	5 SENE	5 SENE
			6 SENE	6 SENE		
			3 NENW	3 NENW	4 NWNW	4 NWNW
			SWNW	SWNW	SENW	SENW
			NESW	NESW	NWSW	NWSW
			SWSW	SWSW	SESW	SESW
			6 NESE	6 NESE	NWSE	NWSE
			SWSE	SWSE	SESE	SESE
			2 1 NENE	1 NENE	2 NWNE	2 NWNE
			SWNE	SWNE	SENE	SENE
			3 NENW	3 NENW	4 NWNW	4 NWNW
			SWNW	SWNW	SENW	SENW
			NESW	NESW	NWSW	NWSW
			SWSW	SWSW	SESW	SESW
			NESE	NESE	NWSE	NWSE
			SWSE	SWSE	SESE	SESE
			3 1 NENE	1 NENE	SENE	SENE
			NESE	NESE	SESE	SESE
			11 NENE	NENE	SENE	SENE
			NESE	NESE	SESE	SESE
			12 NENE	NENE	NWNE	NWNE
			SWNE	SWNE	SENE	SENE
			NENW	NENW	NWNW	NWNW
			SWNW	SWNW	SENW	SENW
			NESW	NESW	NWSW	NWSW
			SWSW	SWSW	SESW	SESW
			NESE	NESE	NWSE	NWSE
			SWSE	SWSE	SESE	SESE
47N	03W	31	NENE	NENE	1 NENE	1 NENE
			2 NENE	2 NENE	NWNE	NWNE
			SWNE	SWNE	SENE	SENE
			1 SENE	1 SENE	4 SENE	4 SENE
			2 NENW	2 NENW	3 SENW	3 SENW
			7 SESW	7 SESW		
			NESE	NESE	5 NESE	5 NESE
			6 NWSE	6 NWSE	SWSE	SWSE
			SESE	SESE	7 SESE	7 SESE
			NWNW	NWNW	3 NWNW	3 NWNW
			32			

04W	25	SWNW	SWNW	4	SWNW	4	SWNW
		SWNW	SWNW		SWNW		SWNW
		10	SWNW	10	SWNW		
		NESW	NESW		NWSW		NWSW
		NWSW	NWSW	4	NWSW	4	NWSW
		10	NWSW	10	NWSW		SWSW
		SWSW	SWSW	11	SWSW	11	SWSW
		SESW	SESW	11	SESW	11	SESW
		SWSE	SWSE				
		SWSW	SWSW		SESW		SESW
	26	SWSE	SWSE		SESE		SESE
		SWSW	SWSW		SESW		SESW
		SWSE	SWSE		SESE		SESE
		34	NENE	NENE	SENE		SENE
		NESE	NESE	SESE		SESE	
		35	NENE	NENE	NWNE		NWNE
		SWNE	SWNE	SENE		SENE	
		NENW	NENW	NWNW		NWNW	
		SWNW	SWNW	SENW		SENW	
		NESW	NESW	NWSW		NWSW	
	36	SWSW	SWSW	SESW		SESW	
		NESE	NESE	NWSE		NWSE	
		SWSE	SWSE	SESE		SESE	
		NENE	NENE	NWNE		NWNE	
		SWNE	SWNE	SENE		SENE	
NENW		NENW	NWNW		NWNW		
SWNW		SWNW	SENW		SENW		
NESW		NESW	NWSW		NWSW		
SWSW		SWSW	SESW		SESW		
NESE		NESE	NWSE		NWSE		
	SWSE	SWSE	SESE		SESE		

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



14. Basis of Claim (Circle One) Beneficial use () Posted Notice () License ☒ Permit () Decree ()

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a) By signing below, I/We acknowledge that I/We have received, read and understood 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 = _____

a. 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 _____

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

Deputy Attorney General of Idaho Department of Parks and Recreation
Title Organization

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

Deputy Attorney General of Idaho Department of Parks and Recreation
Title Organization

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

Signature of Authorized Agent [Signature] Date 6/16/2009

Title and Organization Deputy Attorney General, Idaho Department of Parks and Recreation

16. Notice of Appearance

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

Signature [Signature] Date 6/16/2009

Address Natural Resources Division, Office of Attorney General
P.O. Box 83720, Boise, Idaho 83720

Last Name PARKS & REC Identification No. 95-07449