

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF KOOTENAI

IN THE MATTER OF THE GENERAL DETERMINATION OF)
THE RIGHTS TO THE USE OF THE SURFACE WATERS)
OF TWIN LAKES, INCLUDING TRIBUTARIES AND)
OUTLETS)

CIVIL NO. 32572
PROPOSED FINDING OF WATER RIGHTS

The above entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by submission of a petition by more than five water users in the Twin Lakes Drainage basin, requesting that the Department of Water Resources obtain authority from the Court to prepare a proposed finding of water rights in the Twin Lakes-Rathdrum Creek Drainage Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, then Director of the Department of Water Resources, petitioned the Court on November 8, 1974, for an order of authorization for the commencement of a general determination of the existing rights to the use of surface waters of the Twin Lakes-Rathdrum Creek Drainage Basin.

An order was signed on January 10, 1975, by District Judge James G. Towles, authorizing the Department to commence an investigation and determination of the various rights to the use of the surface waters of Twin Lakes, its tributaries and outlets.

Three Orders of Joinder were filed--the primary Order was filed on February 17, 1976; a second Order, to formally join spouses, was filed on January 5, 1977; and a third Order, to join landowners near Spring Branch Creek, was filed on February 15, 1977; making a total of approximately 1154 land owners and possible water users party to the adjudication. By May 23, 1977, the final date for filing claims in the above entitled matter, 414 claims to surface water rights had been filed. In addition, 7 claims have been filed since May 23, 1977.

Based upon the claims submitted, the files and records of the Department and the Court, and the examination of ditches, diversions of water, lands irrigated and uses of water within the Twin Lakes-Rathdrum Creek Drainage Basin, the Department of Water Resources recommends these findings of fact, conclusions of law, and listing of water rights, in which the following definitions apply:

a. "Department" means the Idaho Department of Water Resources.

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
LISTING OF RIGHTS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
SOURCE: TWIN LAKES								
TRIBUTARY TO: RATHORUM CREEK								
95-7639	TRIPLETT, JOHN W. TRIPLETT, JULIA H. 11914 EAST ALKI SPOKANE REMARKS: LOT 6, BLOCK E, FREDE'S PINEHURST.	06-23-1976	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	LT01 S17 T52N R04W S17 T52N R04W	LT01	LICENSE
95-7644	DIECKMAN, LESLIE B. DIECKMAN, DONNA D. SOUTH 4412 MAPA SPOKANE	06-30-1976	DOMESTIC	01-01 12-31	1.20 AFA .04 CFS	LT07 S06 T52N R04W S06 T52N R04W	LT07	LICENSE
95-7645	IRVING, PEGGY L. 709 E. MANITOBA ELLENSBURG REMARKS: LOT 1, SPRINGWATER ADDITION.	07-06-1976	DOMESTIC	03-15 11-15	1.20 AFA .02 CFS	LT08 S06 T52N R04W S06 T52N R04W	LT08	LICENSE
95-7646	HABBERSTAD, JOHN L. HABBERSTAD, JACQUELINE J. NORTH 12819 PERRY SPOKANE	07-07-1976	DOMESTIC	05-01 10-01	1.20 AFA .04 CFS	LT01 S35 T53N R05W S35 T53N R05W	LT01	LICENSE

INDICATES TOTALS

SCANNED
JUN 27 2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7646

WATER RIGHT NUMBER: 95-7646

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAQUELINE J HABBERSTAD N 12819 PERRY SPOKANE, WA 99218
Current Owner	JOHN L HABBERSTAD N 12819 PERRY SPOKANE, WA 99218

Priority Date: 07/07/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TWIN LAKES	RATHDRUM CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	5/01 to 10/01	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

TWIN LAKES	L1 (SW1/4SE1/4)	Sec. 35, Twp 53N, Rge 05W, B.M.
KOOTENAI County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
53N	05W	35															X		
																	L 1		

Conditions of Approval:Remarks:Comments:Dates and Other Information:

SCANNED

JUN 24 2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 95-7646

Licensed Date: 2/14/1984
Decreed Date: 4/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 95C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: ABBOTT, KNOX & SPOUSE, ET AL

Decree Plaintiff: STATE OF IDAHO, DEPT OF WATER RESOURCES

Civil Case Number: 32572
Judicial District: FIRST
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

SCANNED
JUN 24 2009