

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 95-2155 95-11426

Date Received: 7/19/9

Receipt No: N 021799 A

Received By: [Signature]

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) City of Rathdrum Phone (208) 687-2700

Mailing Address 8047 W. Main St Rathdrum ID 83858-9287
Street or Box City State

2. Date of Priority (Only one (1) per claim) November 2, 1964
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township See Attached, Range _____, Section _____,
_____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Kootenai

Parcel (PIN) no. See Attached

Additional points of diversion if any: _____

If available, GPS 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 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. See attached

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6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For irrigation purposes from 3/15 to 10/31 amount 1.81 or 486.85 AFA
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.81 cfs (cfs) and/or (b) 486.85 AFA (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) irrigation

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.

Twn	Rng	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) See attached

Total number of acres irrigated 189.1

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

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 same purposes as described above.

See attached or None ()

13. Remarks: See Attachment 6

Last Name City or Rathdrum

Identification No.

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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 95-2155

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 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: 6

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

Mayor _____ of City of Rathdrum _____,
Title Organization

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

Mayor _____ of City of Rathdrum _____,
Title Organization

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

Signature of Authorized Agent Via Holmes Date 8-18-09

Title and Organization Mayor, City of Rathdrum

16. Notice of Appearance:

Notice is hereby given that I, Nancy Stricklin, will be acting as attorney at law of behalf of 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 Nancy Stricklin Date 8/19/09

Address 250 Northwest Blvd. Suite 204

Coeur d'Alene, ID 82814

Last Name City of Rathdrum Identification No. _____

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ATTACHMENT 1

POINTS OF DIVERSION

The points of diversion consist of 4 separate wells.

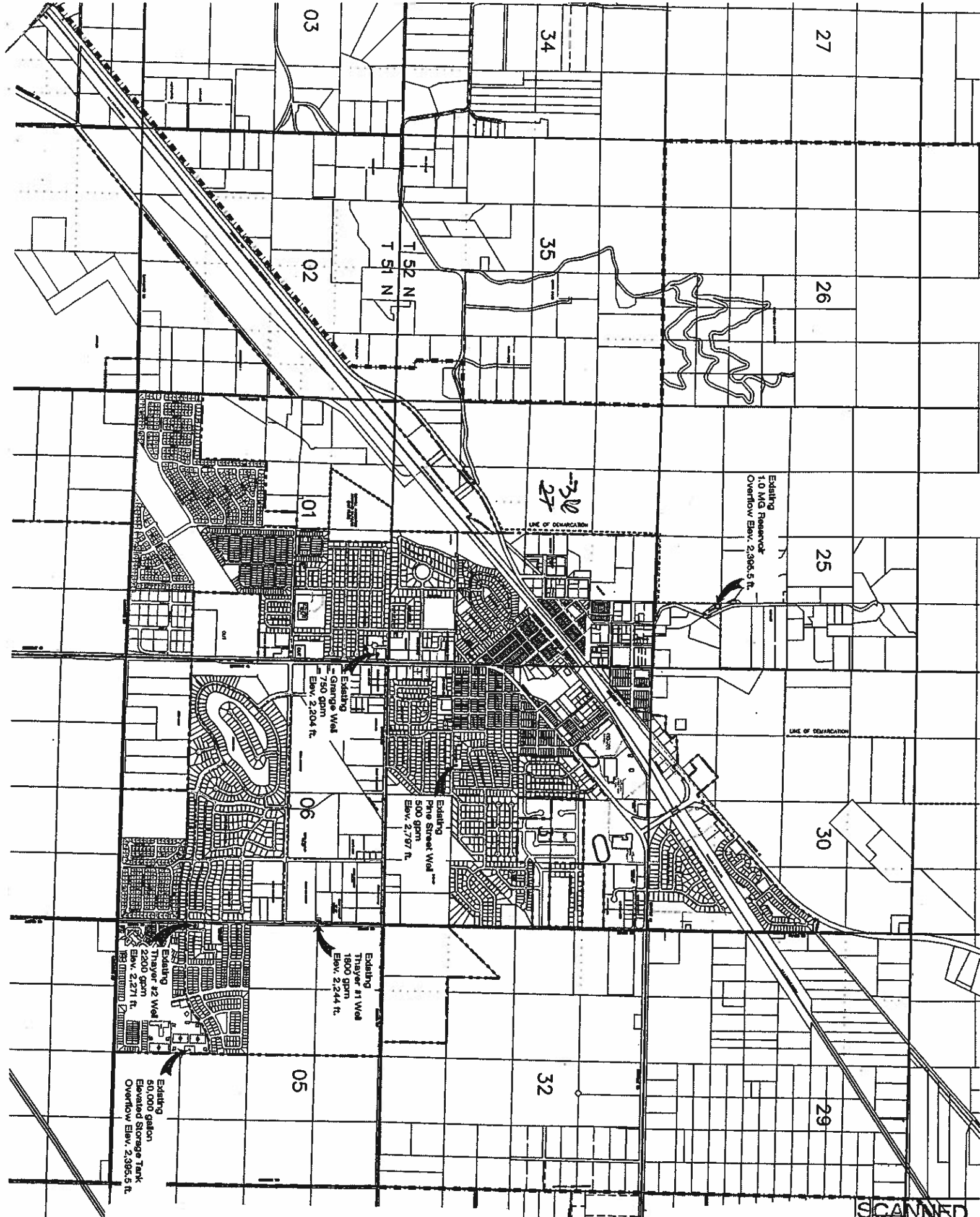
The wells are referred to as wells are referred to as Thayer #1, Thayer #2, Grange and Pine.

Thayer #1 is located on Tax Parcel # R0000006180

Thayer #2 is located on Tax Parcel #R1000001002B

Pine Well is located on Tax Parcel # R00000315275

Grange Well is located on a portion of the property shown on the Kootenai County Tax Assessors map as Tax Parcel #R00000010050



ATTACHMENT 2

DESCRIPTION OF EXISTING DIVERSION WORKS

The diversion works consists of 4 wells, an elevated storage tank, a reservoir and a piped diversion system.

The pumping capacity of the 4 wells is as follows:

Thayer #1 is 1800 gpm

Thayer #2 is 2200 gpm

Pine Street is 500 gpm

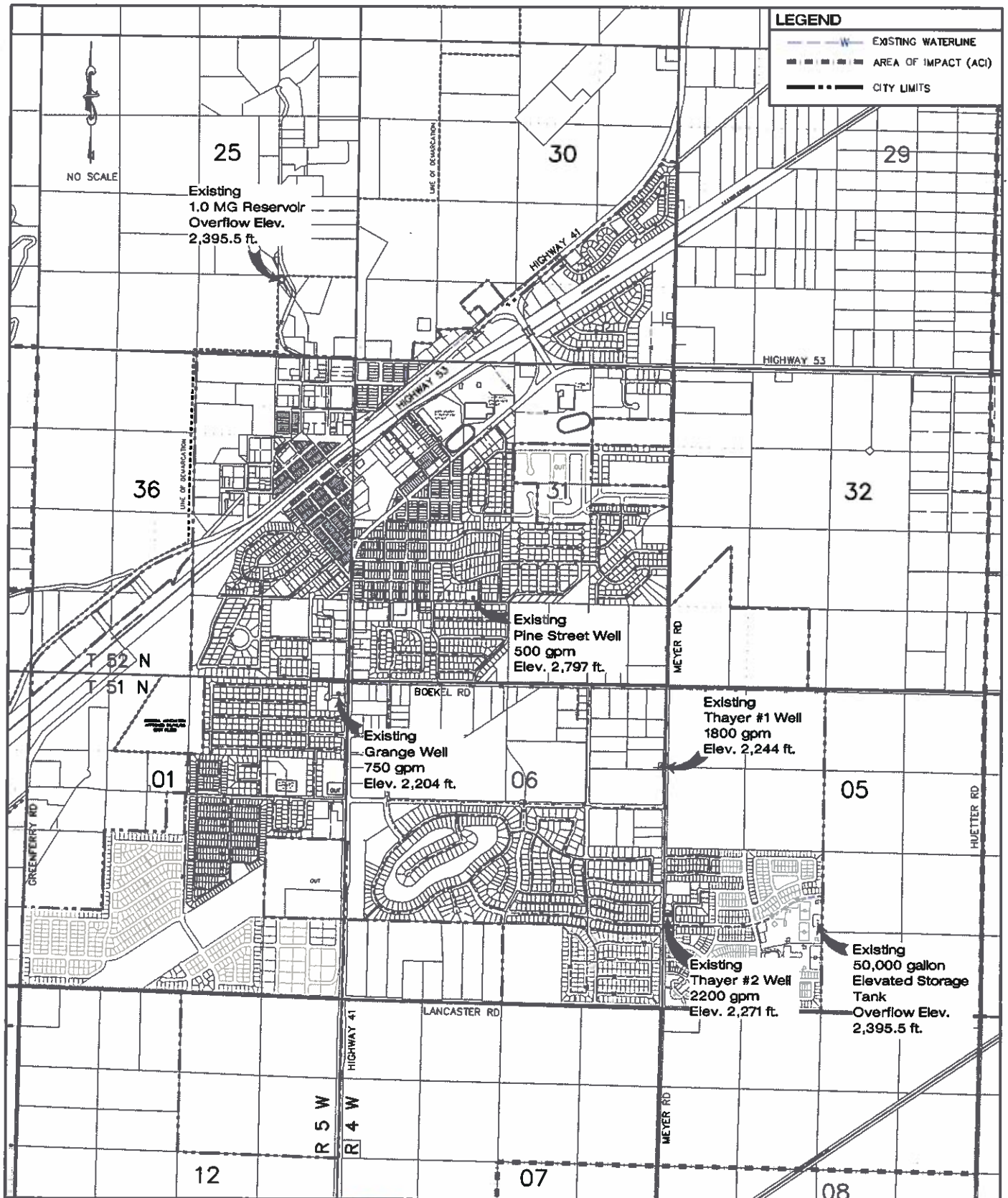
Grange is 750 gpm

The storage system consists of an elevated storage tank that has a total storage capacity of 50,000 gallons and a 1.0 MP reservoir.

The water is distributed to the users within the service area from the wells and storage system through an underground water main line distribution system.

PLACE OF USE
ATTACHMENT

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	04W	30				M								M	M	M	M	M	
52N	04W	31	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
51N	04W	05									M	M	M	M					
51N	04W	06	M	M	M	M	M	M	M	M	M	M			M	M	M	M	
51N	05W	01	M	M	M	M									M	M			
52N	05W	36	M		M	M									M	M	M	M	
52N	04W	25																M	



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350 E. Kathleen Ave. (toll free) 877-815-5672
Coeur d'Alene, ID 83815 (fax) 208-664-5946

CITY OF RATHDRUM
EXISTING WATER SYSTEM

PROJECT NO.:	11893
DESIGNED BY:	A.D.
DRAWN BY:	J.A.L.
DWG NAME:	11893-EXISTING WATER
DATE:	08-18-09
SHEET NO:	

ATTACHMENT 4

Water Rights Used at the Same Place **and for the Same Purposes**

The portions of the following water rights conveyed to the city of Rathdrum:

95-2182

95-7949

95-2151

ATTACHMENT 5

A grant was received for fiscal year 2008 for a project entitled GIS Forest Analysis – Rathdrum Prairie Aquifer. The grant applicant was the Idaho Department of Lands, with Kootenai County, Coeur d’Alene, Post Falls, Hayden Rathdrum, Idaho DEQ, Panhandle Lakes Resource Conversation and Development Council, and Panhandle Health District being partnering entities. City Green software and high-resolution satellite imagery was used to develop a GIS analysis of tree canopy and stormwater mitigation and water conservation and quality for rapidly developing areas of Kootenai County, a 100 square mile area. That project resulted in a GIS analysis that mapped the trees with impervious understory, water, trees, non-irrigated grass, impervious services, bare soil and irrigated grass and allowed for the calculation in square foot and acres the amount of land that fits into each of those categories for the entire county. It also allowed for the same analysis and calculation to be run for smaller areas and for updates to the analysis.

This Attachment is the GIS analysis for the city of Rathdrum, with the following modifications:

1. The boundaries of the city limits are reflected on the map, but any land within the city limits that is not currently receiving water from the city of Rathdrum has been deleted from the analysis.
2. The map has been updated to include irrigated grass (school ball fields) that were not previously shown on the 2007 Lidar as irrigated grass.

The result of the GIS analysis is that there are 442.01 acres of irrigated grass and 166.27 acres of trees within the city limits of Rathdrum that are being watered with either irrigation or municipal water rights that have been acquired by the city of Rathdrum, for a total of 608.28 acres.

The portion of Water Right 95-2182 that was conveyed to the City was for 250.5 irrigated acres
The portion of Water Right 95-7949 that was conveyed to the City was for 30.323 irrigated acres
The portion of Water Right 95-2151 that was conveyed to the City was for 189.1 acres
The portion of Water Right 95-2155, now designated as Water Right 95-11426 water that was conveyed to the City was for 189.1 acres (the same 189.1 acres as for Water Right 95-2151)

The total number of acres previously irrigated by the 4 water rights conveyed to the city is 469.923 acres. That 469.923 acres is being irrigated with the above listed water rights and the remaining 138.357 acres is being watered using other municipal water rights.

RATHDRUM LAND DESCRIPTIONS

Legend

Water Jurisdiction

Land Types

Bare_Soil

Impervious

Irrigated Grass

Non_Irrigated Grass

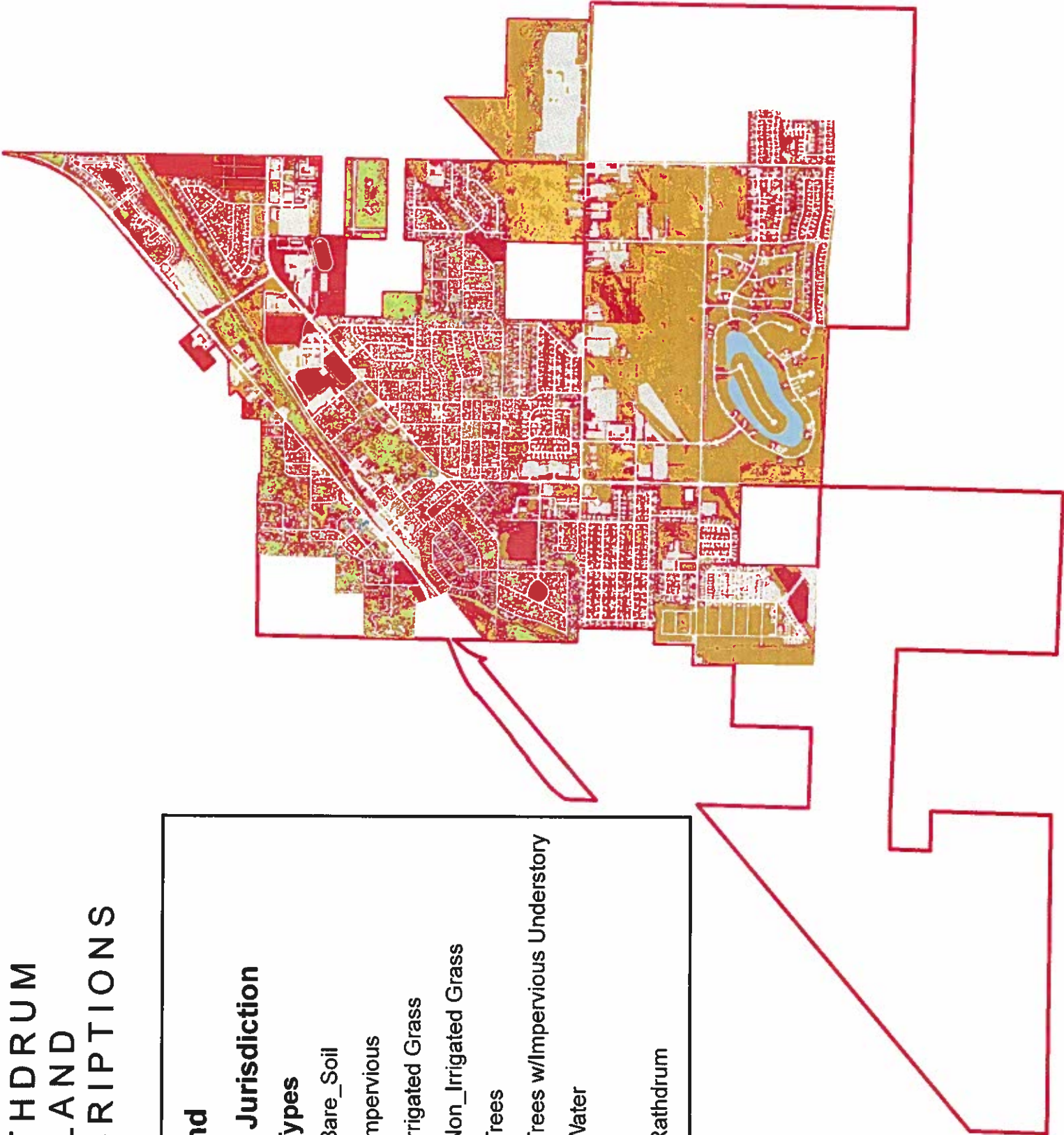
Trees

Trees w/Impervious Understory

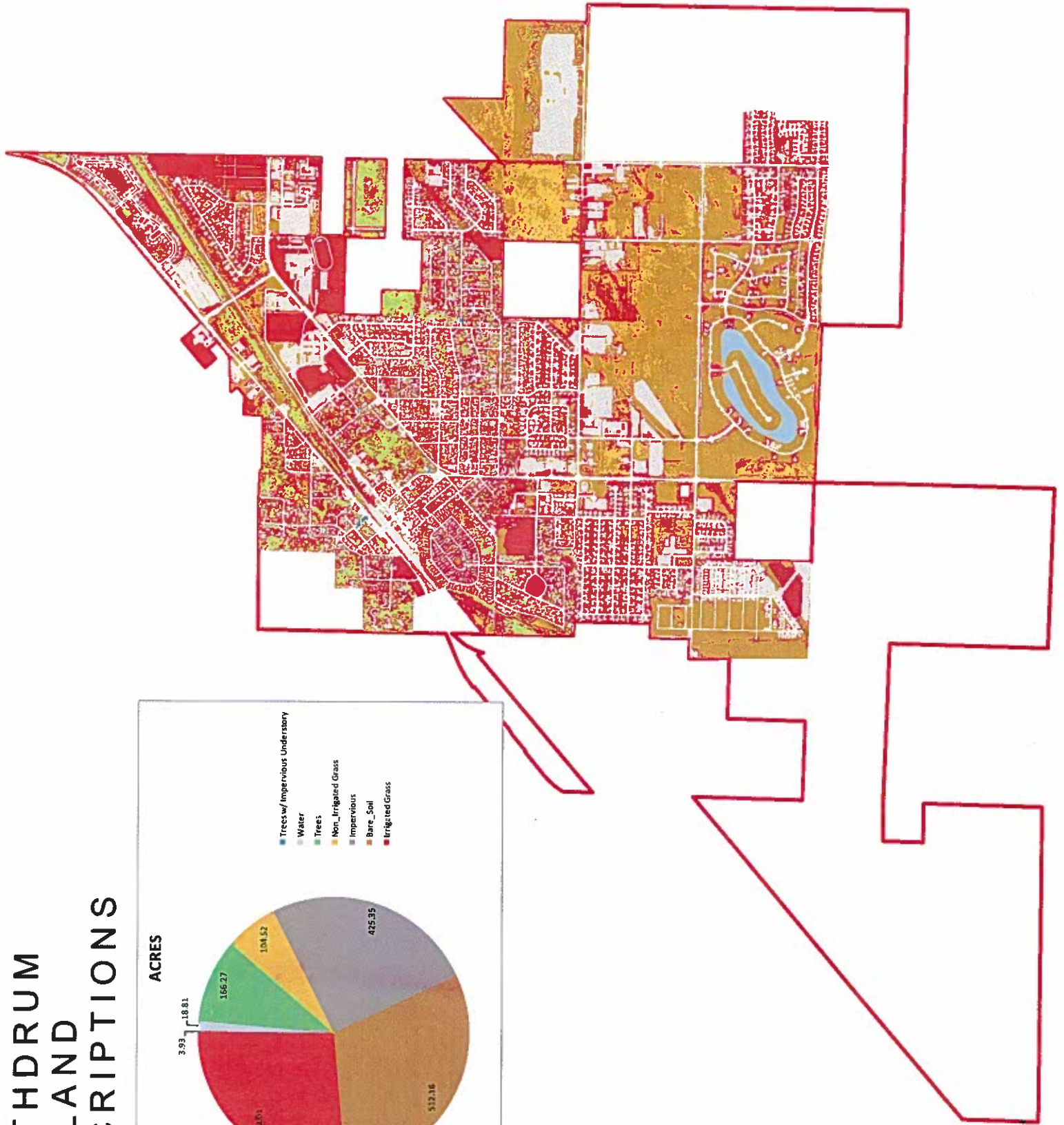
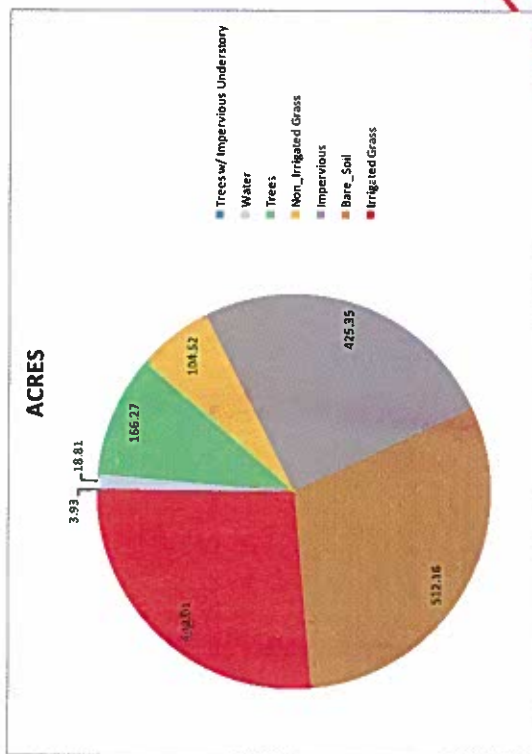
Water

CITY

Rathdrum



RATHDRUM LAND DESCRIPTIONS



SEANNED

ATTACHMENT 6

This claim is for a portion of Water Right 95-2155, renumbered as 95-11426. The water right was initially granted to George Thayer and Ossie Thayer.

George and Audrey Thayer conveyed a portion of these water rights to the city of Rathdrum. Included with this Attachment is a copy of the Water Rights Deed from Thayer.

The portions of Water Right 95-2155 conveyed to the city of Rathdrum, and the irrigated acres associated with those portions of the water right are as follows:

Conveyance	CFS	AFA	Irrigated Acres
Thayer	.05	14.0	4.0
Thayer	.26	70.0	20.0
Thayer	.36	98.0	28.0
Thayer	.25	66.5	19.0
Thayer	.44	117.95	33.7
Thayer	.45	120.4	34.4
TOTALS	1.81	486.85	189.1

The location of the acres that were approved as the original point of diversion for this water right are the same acres that have been irrigated using Water Right 95-2151.

1993845

WATER RIGHTS DEED

KNOW ALL MEN BY THESE PRESENTS, that George E. Thayer and Audrey L. Thayer, husband and wife, whose address is 12941 N. Highway 41, Rathdrum, ID 83858, for good and valuable consideration, hereby grant and convey unto City of Rathdrum, Kootenai County, State of Idaho, a municipal corporation, the GRANTEE, whose address is 8047 W. Main Street, Rathdrum, ID 83858-9287, the water rights described below.

Portions of Water Right No. 95-2155 totaling 1.8 CFS and 486.9 AFA to the City, consisting of the following:

Water Rights associate with property located in Section 6, Township 51 North, Range 4 West, Boise Meridian, City of Rathdrum, Kootenai County, Idaho, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, as follows:

That portion of Water Right No. 95-2155 that is associated with 4 acres of the SWNW 39 acres in Section 6, and totals .05 CFS and 14 AFA

That portion of Water Right No. 95-2155 that is associated with 20 acres of the SENW 40 acres in Section 6, and totals .26 CFS and 70 AFA

That portion of Water Right No. 95-2155 that is associated with 28 acres of the NWNE 39 acres in Section 6, and totals .36 CFS and 98 AFA

That portion of Water Right No. 95-2155 that is associated with 19 acres of the NENE 38 acres in Section 6, and totals .25 CFS and 66.5 AFA

That portion of Water Right No. 95-2155 that is associated with 33.7 acres of the SWNE 39 acres in Section 6, and totals .44 CFS and 117.95 AFA

That portion of Water Right No. 95-2155 that is associated with 34.4 acres of the SENE 39 acres in Section 6, and totals .45 CFS and 120.4 AFA

Portions of Water Right No. 95-2155 totaling 1.95 CFS and 486.9 AFA to the City, consisting of the following:

Water Rights associate with property located in Section 6, Township 51 North, Range 4 West, Boise Meridian, City of Rathdrum, Kootenai County, Idaho, more particularly described in Exhibit "A" attached hereto and incorporated by reference, as follows:

That portion of Water Right No. 95-2151 that is associated with 4 acres of the SWNW 39 acres in Section 6, and totals .06 CFS and 14 AFA

That portion of Water Right No. 95-2151 that is associated with 20 acres of the SENW 40 acres in Section 6, and totals .28 CFS and 70 AFA

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That portion of Water Right No. 95-2151 that is associated with 28 acres of the NWNE 39 acres in Section 6, and totals .39 CFS and 98 AFA

That portion of Water Right No. 95-2151 that is associated with 19 acres of the NENE 38 acres in Section 6, and totals .27 CFS and 66.5 AFA

That portion of Water Right No. 95-2151 that is associated with 33.7 acres of the SWNE 39 acres in Section 6, and totals .47 CFS and 118 AFA

That portion of Water Right No. 95-2151 that is associated with 34.4 acres of the SENE 39 acres in Section 6, and totals .48 CFS and 120.4 AFA

SAID WATER RIGHTS ARE BEING CONVEYED SEPARATE FROM THE REAL PROPERTY.

IN WITNESS WHEREOF, the GRANTOR has caused this instrument to be executed this 2 day of November, 2005.

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
City of Rathdrum

George E. Thayer
GEORGE E. THAYER

2005 NOV -7 P 1:07

DANIEL J. ENGLISH

Audrey L. Thayer
AUDREY L. THAYER

STATE OF IDAHO

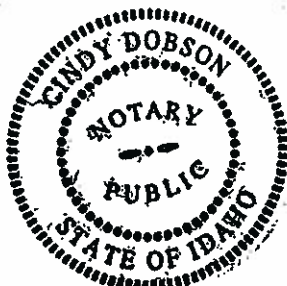
DEPUTY
FEES: N/C
SS

County of Kootenai

6 pages

On this 2 day of Nov, 2005, before me, a Notary for the state of Idaho, personally appeared George E. Thayer and Audrey L. Thayer, known, or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that (she)(he)(they) executed the same.

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

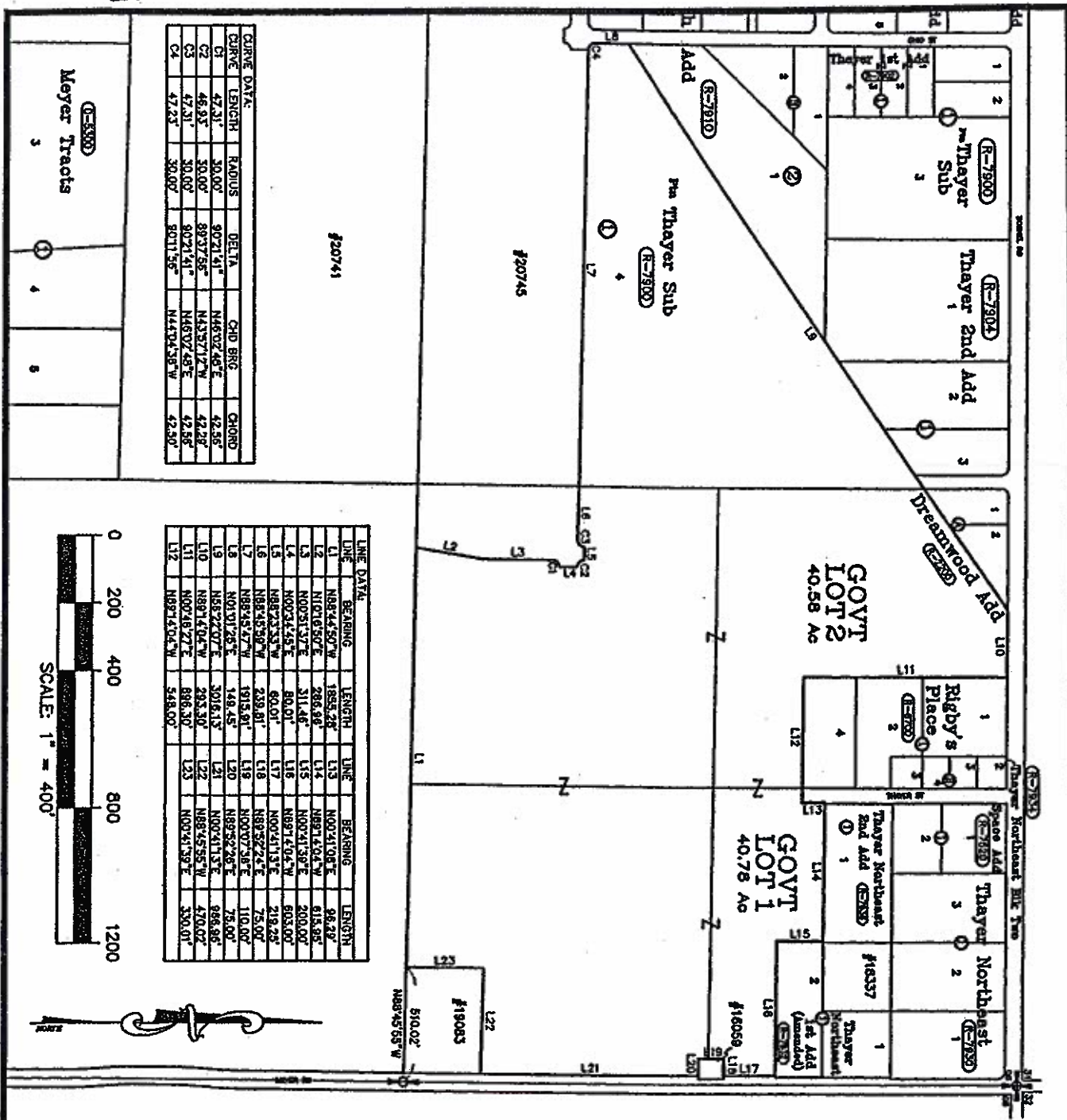


Cindy Dobson
Notary Public for the state of Idaho

Residing at: Healden

Commission Expires: 8/30/2011

1993845



WELCH COMER
 & ASSOCIATES, INC.
 ENGINEERS & SURVEYORS

1626 Lincoln Way, Coeur d'Alene, Idaho 83814
 Phone (208) 664-9382 Fax (208) 664-5948

EXHIBIT A

CITY OF RATHDRUM
 WATER RIGHTS
 BOUNDARY IN THE
 NORTH 1/2 OF
 SECTION 6, T.51N.,
 R.4W., B.M., CITY OF
 RATHDRUM, KOOTENAI
 COUNTY, IDAHO

Project Number: 11035

Designed By: RDB

Drawn By: JHF

Checked By: JHF

Date: 10-24-05

Plot Scale: 1" = 400'

Dwg Name: 11035WaterRights

View Name: 8x11

Page 4 of 4

SCANNED
 FEB 10 2010