

STATE OF ID  
COUNTY OF K  
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CLERK DISTRICT COURT  
ELLEN L. SCHIRMER

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

|                                       |   |                 |
|---------------------------------------|---|-----------------|
| AVONDALE IRRIGATION DISTRICT, et al., | ) |                 |
|                                       | ) |                 |
| Plaintiffs,                           | ) |                 |
|                                       | ) |                 |
| vs                                    | ) | DECREE          |
|                                       | ) |                 |
| NORTH IDAHO PROPERTIES, INC., et al., | ) |                 |
|                                       | ) |                 |
| Defendants,                           | ) | CIVIL CASE NOS. |
|                                       | ) | 22418           |
| and                                   | ) | 22419           |
|                                       | ) | 22420           |
| ROBERT J. ADAMSON, et al.,            | ) |                 |
|                                       | ) |                 |
| Intervenors.                          | ) |                 |

The proposed Findings of Fact and Recommendation of Water Rights entered on April 15, 1971 was previously filed with this Court by the Special Master, including amendments dated July 20, 1971 and filed July 21, 1971, and amendments dated August 23, 1971 and filed August 30, 1971. This matter came on regularly for hearing on objections to the Findings of the Special Master on February 7, 1973. Following testimony and argument at said hearing and based upon the briefs filed herein, the Court issued its memorandum opinion dated March 7, 1973. Based upon said memorandum of opinion, which is fully incorporated herein as if fully set forth, the Court makes the following Findings of Fact and Conclusions of Law:

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United States under the Reservation Doctrine because and upon the sole reason that the United States did not offer any proof upon the amount of such water it claimed.

The Court finds that the Special Master is entitled to Court costs as set forth in his Affidavit of Costs for the amount of \$13,274.84, which cost should be apportioned and paid by the following claimants:

|                                                             |              |
|-------------------------------------------------------------|--------------|
| Avondale Irrigation District                                | \$ 2,871.56  |
| Avondale on Hayden Lake                                     | 224.54       |
| The Coeur d'Alene Country Club                              | 540.32       |
| Dalton Gardens Irrigation District                          | 3,074.87     |
| Dalton Water Association                                    | 284.38       |
| Hayden Haven Water Company                                  | 21.70        |
| Hayden Lake Irrigation District                             | 5,598.34     |
| Heinemann, Czenzi and Nick Ormonde                          | 101.08       |
| Honeysuckle Hills Owners Association                        | 59.66        |
| Hundhausen, Robert J.                                       | 16.31        |
| Jessick, John E.                                            | 98.03        |
| Kirking, Orville P.                                         | 39.66        |
| North Idaho Properties, Inc.                                | 48.88        |
| Revilli, Robert J.                                          | 261.34       |
| Shrum, Paul W., M.D.                                        | 22.36        |
| Upper Columbia Mission Society of<br>Seventh Day Adventists | <u>11.81</u> |
| TOTAL                                                       | \$13,274.84  |

The Special Master shall also be allowed such further and accruing costs as may be allowed by the Court.

#### CONCLUSIONS OF LAW

Except as noted below, all the water rights, as recommended by the Special Master in his report of April 15, 1971, together with amendments of July 20, 1971 and August 23, 1971, should be and are hereby recognized, confirmed and decreed to those claimants. All of the Conclusions of Law contained in the Special Master's Report of April 15, 1971 as amended July 20, 1971 and August 23, 1971, except as noted below are hereby adopted as the Court's Conclusions of Law, and are hereby established and decreed as therein set forth.

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The Special Master is awarded costs in the amount of \$13,274.84 which should be and are assessed against and are ordered to be paid by the following claimants, in the amounts shown:

|                                                             |              |
|-------------------------------------------------------------|--------------|
| Avondale Irrigation District                                | \$ 2,871.56  |
| Avondale on Hayden Lake                                     | 224.54       |
| The Coeur d'Alene Country Club                              | 540.32       |
| Dalton Gardens Irrigation District                          | 3,074.87     |
| Dalton Water Association                                    | 284.38       |
| Hayden Haven Water Company                                  | 21.70        |
| Hayden Lake Irrigation District                             | 5,598.34     |
| Heinemann, Czenzi and Nick Ormonde                          | 101.08       |
| Honeysuckle Hills Owners Association                        | 59.66        |
| Hundhausen, Robert J.                                       | 16.31        |
| Jessick, John E.                                            | 98.03        |
| Kirking, Orville P.                                         | 39.66        |
| North Idaho Properties, Inc.                                | 48.88        |
| Revilli, Robert J.                                          | 261.34       |
| Shrum, Paul W., M.D.                                        | 22.36        |
| Upper Columbia Mission Society of<br>Seventh Day Adventists | <u>11.81</u> |
| TOTAL                                                       | \$13,274.84  |

The Special Master shall also be allowed such further and accruing costs as may be allowed by the Court.

The Court shall retain, and does hereby retain jurisdiction of this adjudication, for the purpose of amending this decree, pending receipt of further information from the Department of Water Administration of its experience with systems for operation of the lake.

IT IS SO ORDERED.

DATED AND DONE this 23rd day of March, 1973.

WATT E. PRATHER

WATT E. PRATHER  
District Judge

STATE OF IDAHO }  
COUNTY OF KOOTENAI, } ss.

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE COPY  
OF THE ORIGINAL NOW ON FILE OR RECORD IN THIS OFFICE.

CLERK OF DISTRICT COURT

By Robert L. Schinner  
Deputy

WASHBURN, Robert W. (continued)

Type and point of diversion: Pump, Lot 11, Rockway Beach, Govt. Lot 6,  
Sec. 4, T. 51 N., R. 3 W.B.M.

Place of use: Lot 11, Rockway Beach, Govt. Lot 6, Sec. 4, T. 51 N.,  
R. 3 W.B.M.

WASHINGTON TRUST BANK, Trustee, W. 715 Sprague Avenue, Spokane, Washington

File No.: 95-0394

Priority: 6/1/50

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 4/1 to 10/31

Quantity per year: 0.40 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 7, Blk. B, English Pt. Bldg. Sites,  
Govt. Lot 1, Sec. 16, T. 51 N., R. 3 W.B.M.

Place of use: Lot 7, Blk. B, English Pt. Bldg. Sites, Govt. Lot 1,  
Sec. 16, T. 51 N., R. 3 W.B.M.

WATT, Lyell J., 129 West 16th Avenue, Spokane, Washington

File No.: 95-0395

Priority: 7/1/68

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 4/1 to 10/31

Quantity per year: 0.40 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lots 8 & 9, Rainbows End, Govt. Lot 3,  
Sec. 9, T. 51 N., R. 3 W.B.M.

Place of use: Lots 8 & 9, Rainbows End, Govt. Lot 3, Sec. 9, T. 51 N.,  
R. 3 W.B.M.

WESTERMAN, Warren H., 410 First St., Cheney, Washington

File No.: 95-0396

Priority: 3/1/47

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 1/1 to 12/31

Quantity per year: 0.57 acre foot

Maximum rate of diversion: 0.02 c.f.s.

Type and point of diversion: Pump, Lot 5, English Pt. Bldg. Sites, Govt.  
Lot 1, Sec. 16, T. 51 N., R. 3 W.B.M.

Place of use: Lot 5, English Point Bldg. Sites, Govt. Lot 1, Sec. 16, 4  
T. 51 N., R. 3 W.B.M.

WHITE, Otto, Route 2, Hayden Lake, Idaho

File No.: 95-0397

Priority: 6/1/56

Source: Hayden Lake

Purpose: Domestic (1 house)

Period of use: From 4/1 to 12/31

Quantity per year: 0.47 acre foot

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