

07/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10188

NAME AND ADDRESS: RAPID RIVER HOMEOWNERS ASSOCIATION
RIGGINS ID 83549

SOURCE: RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 12/01/1922

POINT OF DIVERSION:
T24N R01E S32 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/01 10/15	0.200 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R01E S32	SWSW	3.0	T24N R01E S32	SESW	7.0
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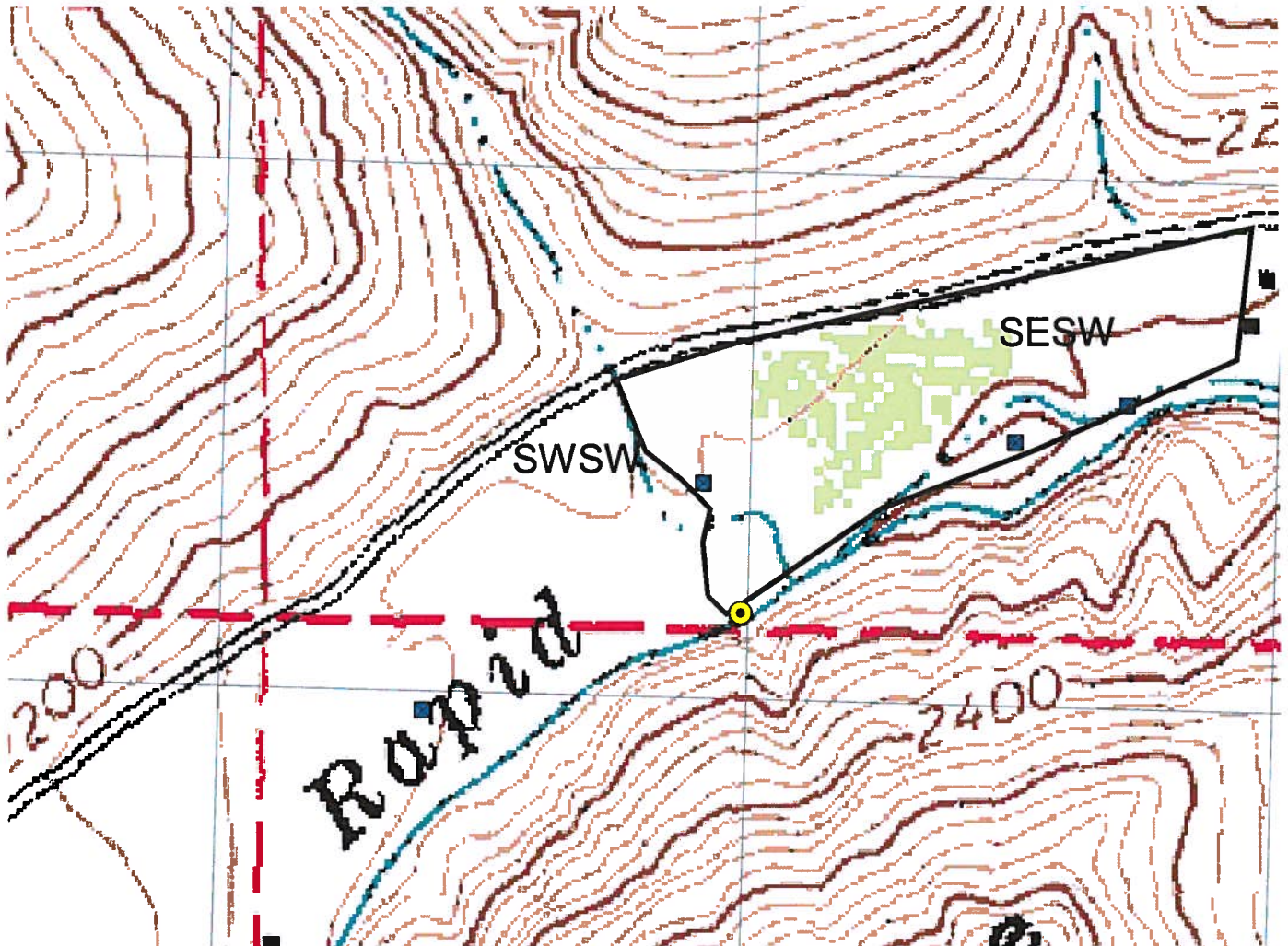
10 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-10188



0 400 800 Feet

Sections 32
T24N R1E



● Point of Diversion

□ Place of Use

Map prepared on July 18, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



JOHN M. MELANSON
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

October 31, 2007

Kathryn Smothers
124 Heath Drive
Riggins, ID 83549

Re: Water Right 78-10188

Dear Mrs. Smothers:

This letter is in follow-up to our telephone conversation of October 30, 2007. The claim for water right 78-10188 is currently in the name of the Rapid River Homeowner's Association, c/o Tim Heath, PO Box 316, Riggins, ID 83549. It is my understanding that the Rapid River Homeowner's Association has been dissolved and that you were the corporate secretary at the time of dissolution.

The Snake River Basin Adjudication Court is ready to issue a partial decree for water right 78-10188, but before this happens I wanted to provide you with an opportunity to file a change of ownership so that the water right gets decreed in the name of the correct owners.

I have enclosed a form that should be filled out and sent to IDWR regarding changes in ownership. Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Booth".

Theodore R. Booth
Special Master

TRB/dd
Enclosure

cc: IDWR
Tim Heath

RECEIVED

NOV 01 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED
NOV 07 2007
IDWR/North

SCANNED

NOV 01 2007

WA RECEIVED

NOV 14 2007

DEPARTMENT OF
WATER RESOURCES



RAPID RIVER WATER AND SEWER DISTRICT

P. O. Box 316

Riggins, ID 83549-0316

November 7, 2007

Emilee Rushing
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
DEC 21 2007
IDWR/North

Dear Ms. Rushing,

This letter is in reference to the letter we received from Theodore Booth from the Snake River Basin Adjudication District Court in Twin Falls. I have enclosed a copy of the letter. Mr. Theodore stated via telephone to me that a name change must be submitted to IDWR before he can complete his part of the decree for water right 78-10188, 78-4031-A and 79-7034. I have enclosed paperwork that was sent to IDWR on November 11, 2006 to verify the water right numbers of 78-10188, 78-4031-A and 78-7034. - All adj.

The name of Rapid River Homeowners Association was changed to Rapid River Water and Sewer District on January 9, 2003. I have enclosed a copy of the recorded document.

Tim Heath is the president of the District. Ruby Darwin is the Secretary/Treasurer.

If you have further questions or we need to fill out other forms, please call me at 208-628-2363.

Sincerely,

Ruby Darwin
Secretary/Treasurer

SCANNED

NOV 15 2007

0426273

JAMES W. GIVENS
Attorney for Petitioner
1026 F Street
P. O. Box 875
Lewiston, ID 83501
208/746-2374
ISB #622

RECEIVED
NOV 14 2007
DEPARTMENT OF
STATE OF IDAHO
County of Idaho
Recorded at request of
James Givens
at 10:15 A.m. on 1-9-03
ROSE E. GEHRING
By Amanda Crosby Recorder
Fees \$ 0 Deputy

1 page

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

In re the Petition of) Case No. SP 00683
)
RAPID RIVER HOMEOWNERS ASSN., INC.,)
)
Petitioner.)
_____)

RECEIVED
DEC 21 2007
IDWR/North

CERTIFICATE-CHANGE OF NAME

I, ROSE E. GEHRING, Recorder, Idaho County, Idaho, do hereby
certify that a Petition for Name Change, which was recorded by
me, whereby RAPID RIVER HOMEOWNERS ASSOCIATION WATER AND SEWER
DISTRICT changed its name to RAPID RIVER WATER AND SEWER
DISTRICT.

DATED this 9th day of January, 2003.

ROSE E. GEHRING, Recorder

By Amanda Crosby Deputy

CERTIFICATE-CHANGE OF NAME

SCANNED

NOV 15 2007

NOTICE OF ERROR
REPLY

11/15/2006

RECEIVED
DEC 21 2007
IDWR/North

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-10188

RAPID RIVER HOMEOWNERS ASSOCIATION
C/O TIM HEATH
BOX 316
RIGGINS ID 83549

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06

SIGNATURE: Ruby J. Darwin

Secretary-Treasurer

Please print your name: Ruby J. Darwin

RRWS District

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10188
NAME AND ADDRESS: RAPID RIVER HOMEOWNERS ASSOCIATION
C/O TIM HEATH
BOX 316
RIGGINS ID 83549

RECEIVED
DEC 21 2007
IDWR/North

SOURCE: RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 12/01/1922

POINT OF DIVERSION:
T24N R01E S32 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/01 10/15	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in IDAHO County</u>		
	T24N R01E S32 SWSW 3.00	T24N R01E S32 SESW 7.00	
	10 ACRES TOTAL		

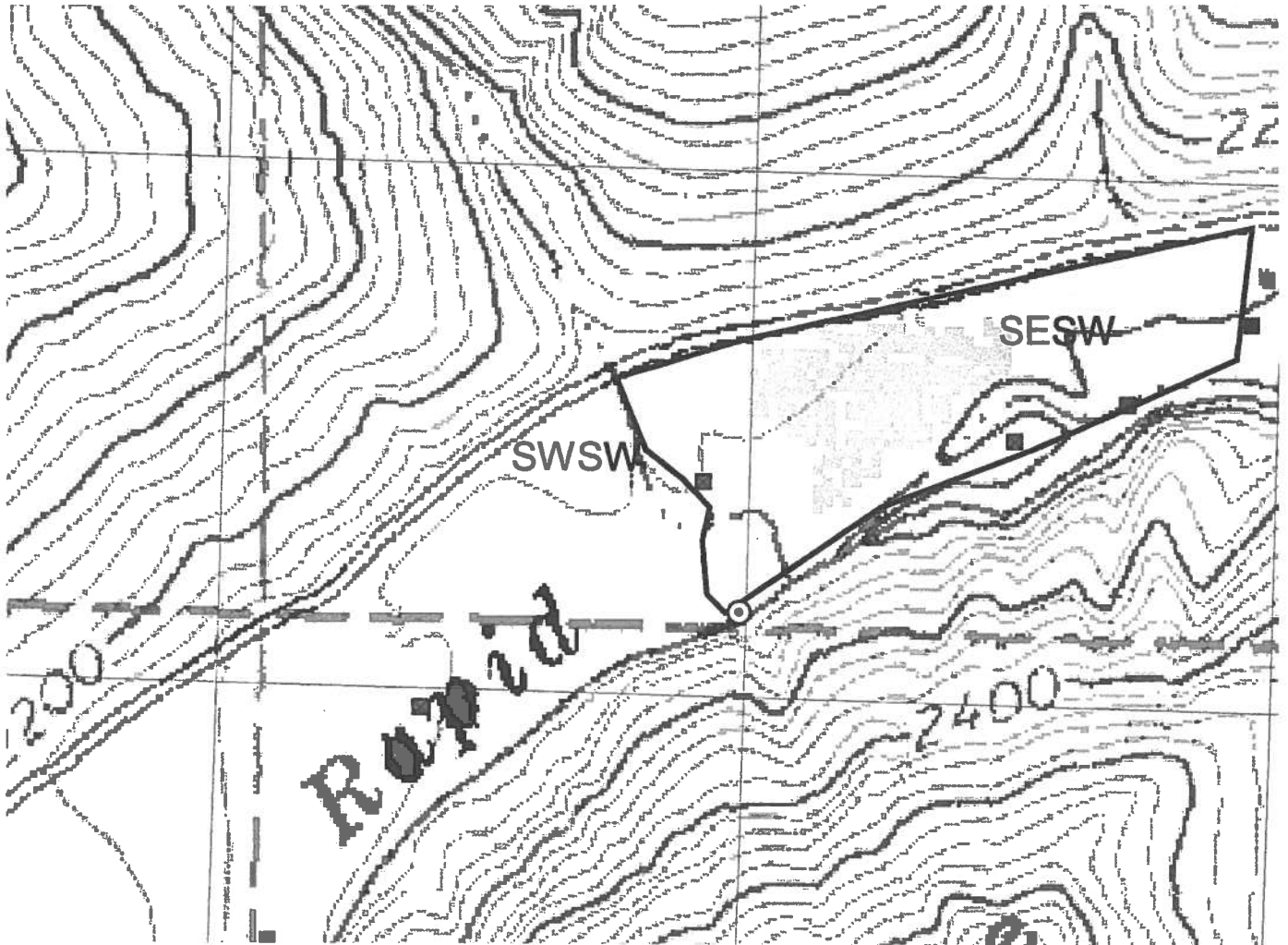
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-10188

RECEIVED
DEC 21 2007
IDWR/North



0 400 800 Feet

Sections 32
T24N R1E



⊙ Point of Diversion

□ Place of Use

Map prepared on July 18, 2005

By Kenneth Knoblock

Idaho Department of Water Resources

SCANNED

NOV 15 2007

11/15/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 21 2007
IDWR/North

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-4031A

RAPID RIVER HOMEOWNERS ASSOCIATION
C/O TIM HEATH
BOX 316
RIGGINS ID 83549

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06 SIGNATURE: Ruby J. Darwin Secretary-Treasurer
Please print your name: Ruby J. Darwin RRWS District

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED
DEC 21 2007
IDWR/North

RIGHT NUMBER: 78-4031A
NAME AND ADDRESS: RAPID RIVER HOMEOWNERS ASSOCIATION
C/O TIM HEATH
BOX 316
RIGGINS ID 83549

SOURCE: RAPID RIVER TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 04/21/1894

POINT OF DIVERSION:
T23N R01E S6 NENE Lot 1 Within IDAHO County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	02/15 11/30	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in IDAHO County</u>		
	T23N R01E S05 NWNW 4.00	T24N R01E S32 SWSW	6.00
	10 ACRES TOTAL		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

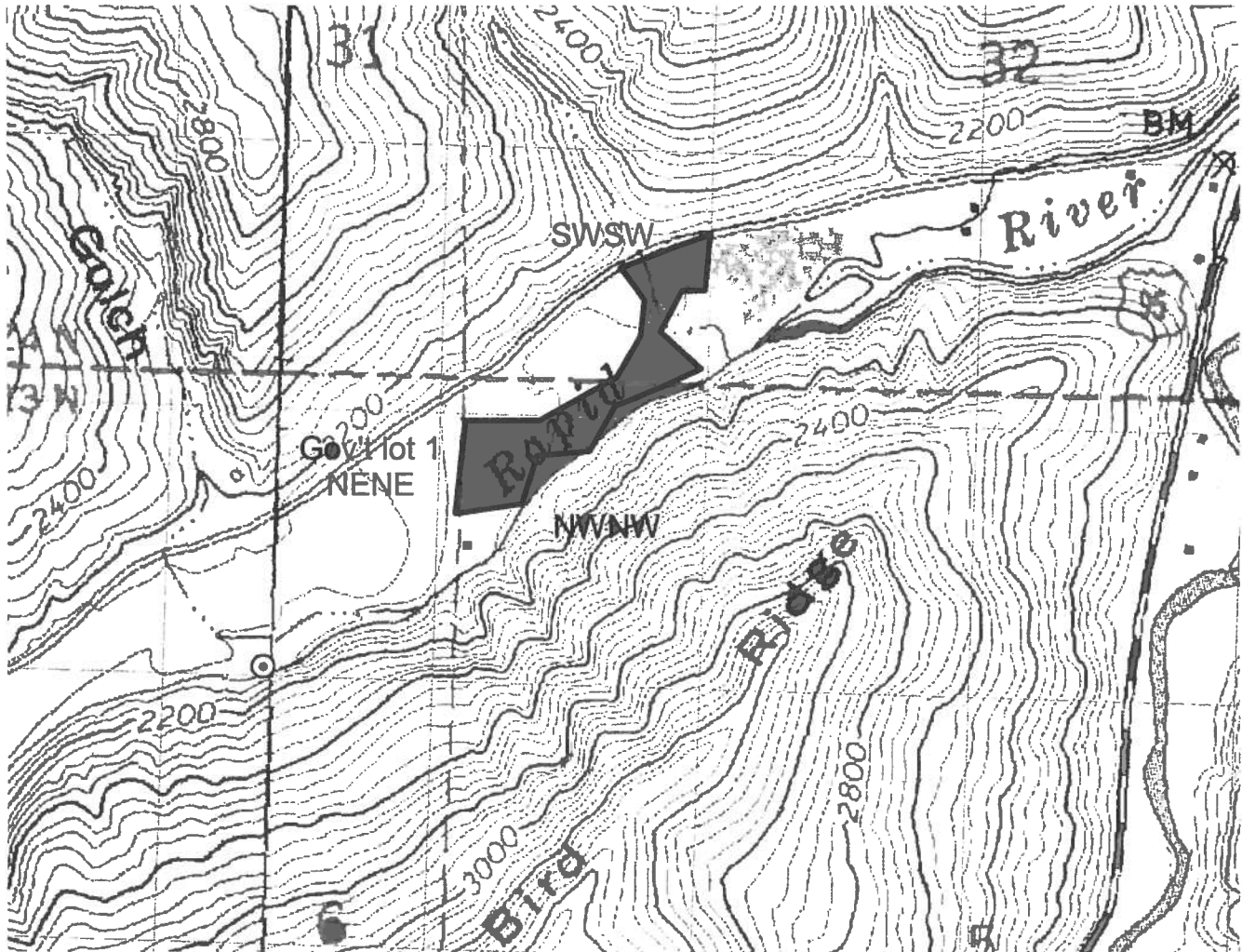
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

78-4031A

RECEIVED
DEC 21 2007
IDWR/North



Sections 5 & 6
T23N R1E
Section 32
T24N R1E

⊙ Point of Diversion

□ Place of Use

Map prepared on June 13, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

SCANNED

NOV 15 2007

11/15/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 21 2007
IDWR/North

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 78-7034

RAPID RIVER HOMEOWNERS ASSOCIATION

C/O TIM HEATH

BOX 316

RIGGINS ID 83549

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-30-06 SIGNATURE: Ruby J. Darwin - Secretary-Treasurer
Please print your name: Ruby J. Darwin RRWS
Dist

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/15/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RECEIVED
DEC 21 2007
IDWR/North

RIGHT NUMBER: 78-7034

NAME AND ADDRESS: RAPID RIVER HOMEOWNERS ASSOCIATION
C/O TIM HEATH
BOX 316
RIGGINS ID 83549

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS
96.00 AFY

PRIORITY DATE: 12/08/1972

POINT OF DIVERSION:

T23N R01E S5 NWNW Within IDAHO County
T24N R01E S32 SWSW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.180 CFS
96.00 AFY

PLACE OF USE: DOMESTIC in IDAHO County

T23N R01E S05 NWNW
T24N R01E S32 SESW

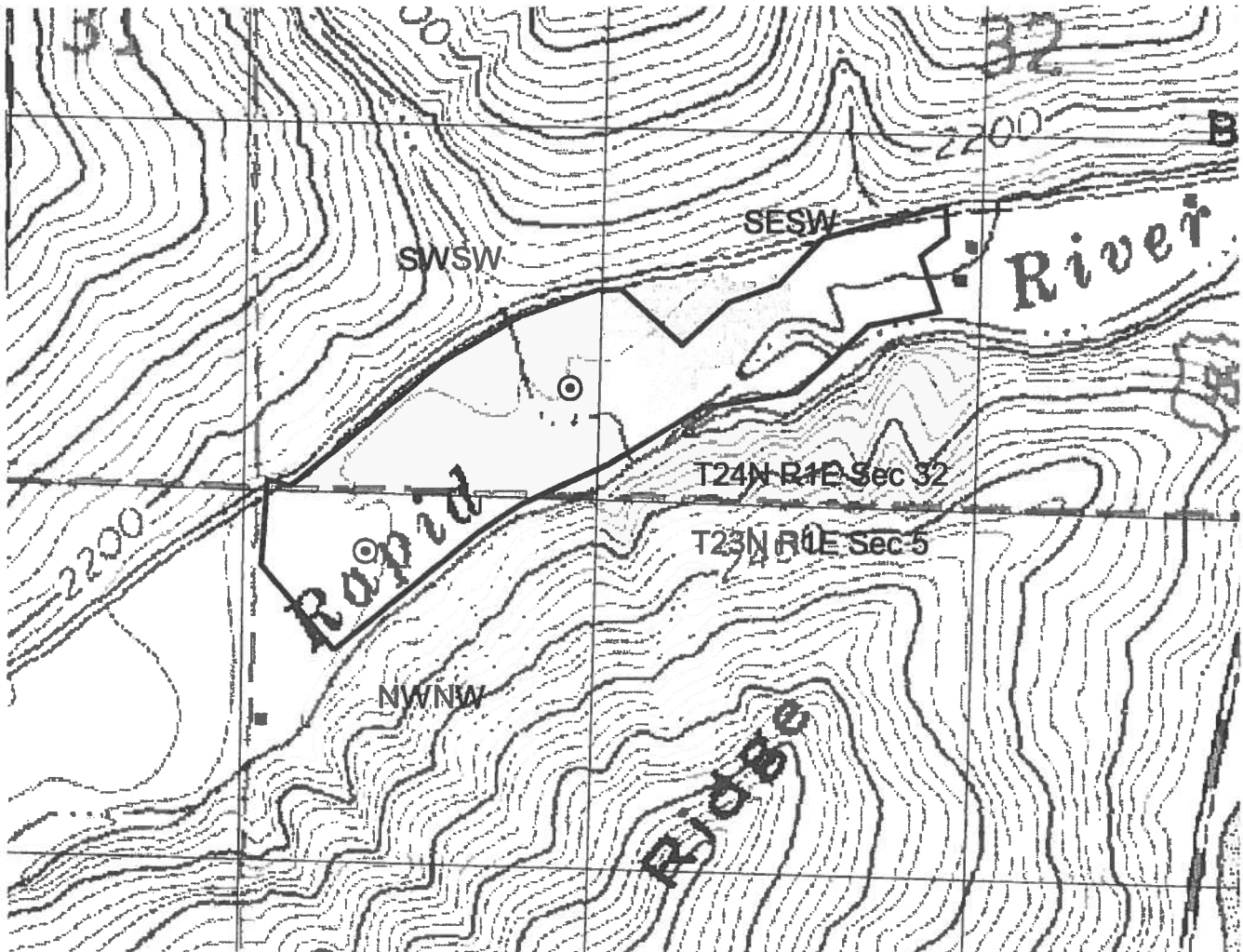
T24N R01E S32 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

78-7034



0 400 800 Feet

Section 5
T23N R1E
Section 32
24N R1E



⊙ Point of Diversion

□ Place of Use

SCANNED

NOV 15 2007

Map prepared on July 18, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED
DEC 21 2007
IDWRP/North

FILED/EFFECTIVE

ARTICLES OF DISSOLUTION

TO: Secretary of State of the State of Idaho.

The undersigned directors of Rapid River Homeowners Association, Inc., in compliance with the provisions of Chapter 3-112, Title 30, I.C., give notice of the dissolution of the corporation and certify that:

(a) The name of this corporation is RAPID RIVER HOMEOWNERS ASSOCIATION, INC.

(b) Dissolution was authorized September 7, 2000.

(c) The dissolution was approved by the members:

(i) The number of votes entitled to be cast on the proposal to dissolve was thirty-nine (39).

(ii) The total number of undisputed votes cast for dissolution was thirty-seven (37) and the number cast for dissolution was sufficient for approval.

(d) There were no voting groups.

DATED this 23 day of January, 2001.

RAPID RIVER HOMEOWNERS ASSOCIATION, INC.

By Ruth Johnson
Ruth Johnson, Its President

Attest:

Katheryn Smothers
Katheryn Smothers, Its Secretary

IDAH0 SECRETARY OF STATE

01/31/2001 09:00
CK: 14010 CT: 100194 BH: 375970

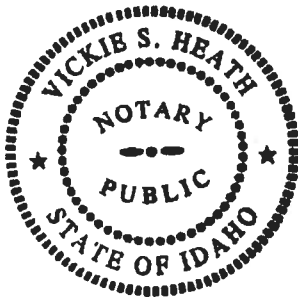
10 30.00 = 30.00 PROF DISSO # 2

053561

STATE OF IDAHO)
) ss.
County of Idaho)

On this 23rd day of January, 2001, before me the undersigned, a Notary Public in and for said state, personally appeared Ruth Johnson and Katheryn Smothers, known to me to be the President and Secretary-Treasurer, respectively, of the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Debbie Heath
Notary Public in and for the State
of Idaho, residing at Riggins.
My Commission Expires: 08/19/2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR JOHN TETRO
HC 69 BOX 130
RIGGINS ID 83549

--- REPLY VIA FAX ---

RE: QUESTIONS FROM YOUR FAX OF 3-2-98

Dear Mr. Tetro:

Your fax letter dated March 2, 1998 contained three questions related to the community water system(s) for Rapid River Homeowners Association. I regret that I was unable to respond by March 10 as we discussed in our March 4 telephone conversation.

Questions 1 and 3 are legal matters beyond my expertise and have been referred to the department's legal staff located in Boise. I hope the legal staff can clarify those points for you.

I can respond to Question 2. Licensed water right no. 78-07034 includes ground water (wells) for the community system. The license provides potable water and lawn irrigation water. The association can provide internal and external water to the homes served under this water right.

Enclosed are profile reports of the rights serving the association. Two reports are water rights (nos. 78-04031 and 78-07034) while three reports cover Snake River Basin Adjudication claims (nos. A78-04031, A78-07034 and A78-10188). Adjudication claims are filed to protect already recorded water rights and/or to document beneficial uses of water that not have been previously recorded.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

c: IDWR Legal Services

*follow up → faxed cc of Transfer 3831 to him
After he rec'd this letter i called. T3831 allowed
add'l H. well in 78-07034.*

Attn: Mr. Gary Spackman / Mr. Steve Lester One of One (No Cover)

March 2, 1998

Mr. Gary Spackman / Mr. Steve Lester
I.D.W.R.
2735 Airport Way
Boise, ID. 83705

Subject: Charging of a fee for the use of water for irrigation purpose from a water system that derives it's water from wells that were drilled for the purpcse of supplying potable water for a community.

Dear Mr. Gary Spackman / Mr. Steve Lester

The purpose of my letter is to get a written clarification from the Department of Water Resources of Idaho as to the following three questions;

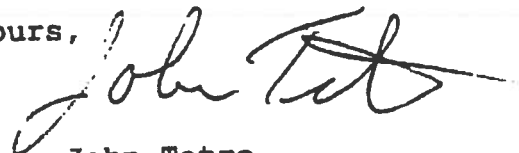
- 1.) Can a Homeowners Association and or a Water and Sewer District charge a separate fee to their memberships respectively for the purpose of irrigation, if said water that the fee is being charged for is derived from a source that is the same source the Association and or the District use to deliver potable water to their membership?
- 2.) Can water from a well or wells drilled for the purpose of supplying potable water to a community (public water system) be used for irrigation purposes also?
- 3.) Can a Water and Sewer District formed under Idaho Code Chapter 32, Section 42-3201, charge a fee to it's membership for "Ditch Cleaning"?

- yes per
License
78-07034
-JC

This ditch (irrigation ditch) runs in, out, though and around the District.

If you have any questions before you reply to this fax/letter, please feel free to call me at the following unlisted number; 208 628 3616.

Await your soonest response, Sincerely Yours,



John Tetro
HC 69 Box 130
Riggins, ID. 83549

FROM

Rapid River Homeowners
Assoc.
Biggs, Idaho

Line 6 - We wish to change
irrigation dates as follows:

3/01 to 10/15.

ON # A-78-04031 A 78-10188

Pres. Tim A. Hunt

MICROFILMED

OCT 05 1982

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A78-10188
Date Received: 5/18/1988
Receipt No: 000883

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RAPID RIVER HOMEOWNERS ASSOCIATION

Address: RIGGINS, ID 83549

2. Date of Priority: DEC 01, 1922

3. Source: RAPID RIVER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	32	SW	SW	SW		IDAHO

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	32	SW	SW		IRR	3.0
			SE	SW		IRR	7.0

Section Acres 10.0

10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIMANT IS AN ASSOCIATION ELECTED BY HOMEOWNERS OF THE
SUBDIVISION
THIS CLAIM ORIGINATED FROM 78-4031, ANOTHER CLAIM WAS FILED FOR T
HE REST OF THE SUBDIVISION WHICH ALSO ORIGINATED FROM CLAIM
78-4031

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

*Change
ing date
to 3/1 - 10/15
per letter
of 6/6/88.
Jan*

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake 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: 1

For Organizations:

I do solemnly swear or affirm that I am President of Rapid River Homeowners Assn. that I have signed the foregoing

Title

document in the space below as President of

Title

Rapid River Homeowners Assn. and that the statements contained in the foregoing document are true and correct.

Tim A. Heath
Signature of Authorized Agent

Pres. Rapid River Homeowners Assn.
Title and Organization

5-23-88
Date

State of Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of May 19 88

Shellette M. Heath
Notary Public

Seal

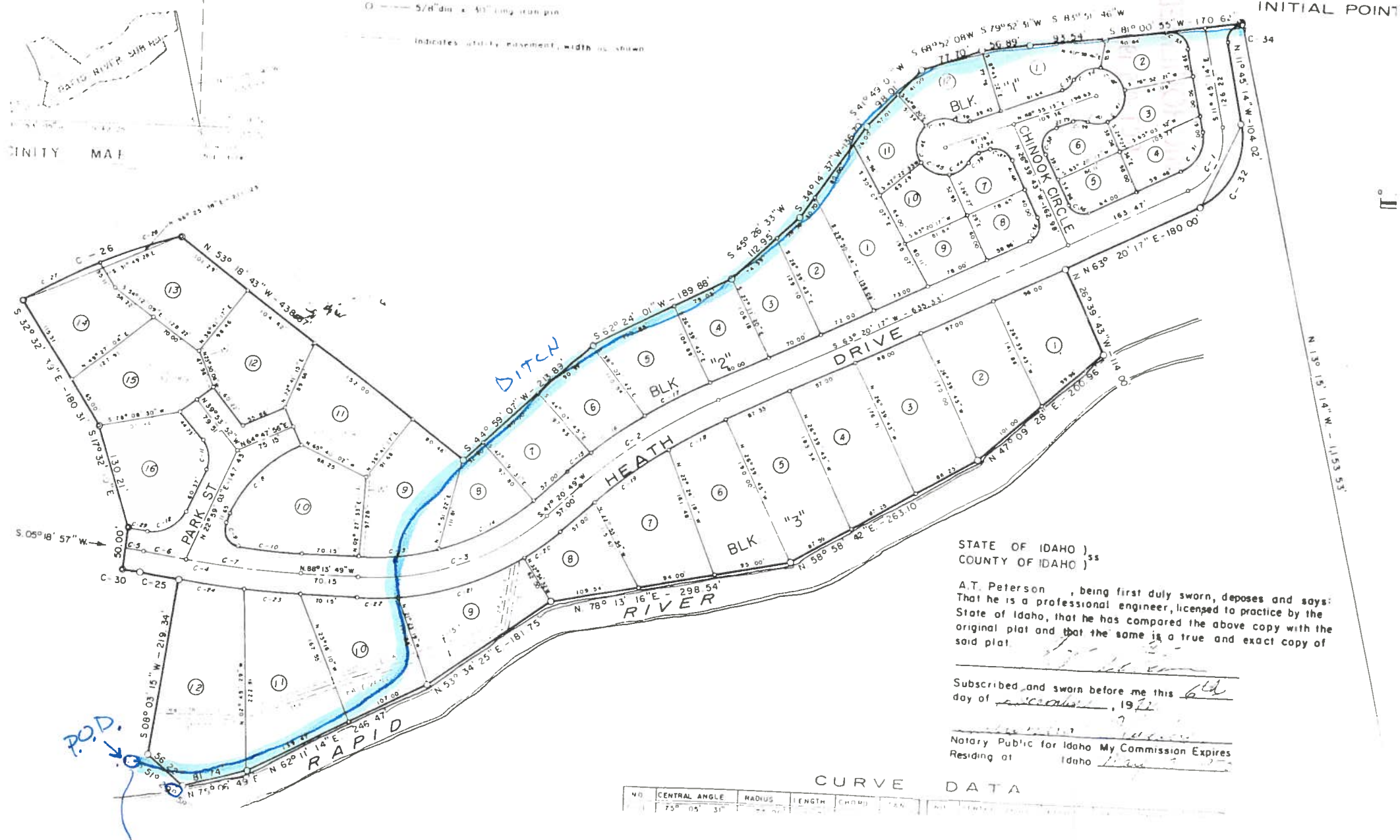
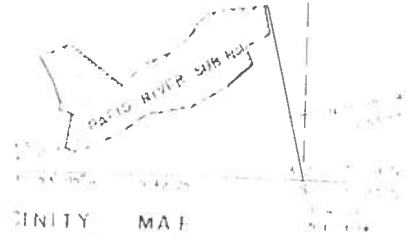
Residing at Biggs Idaho.
My Commission Expires 5-17-94

T24N R1E SEC 32

RAPID RIVER
SUBDIVISION #1

LEGEND

- 1/2" dia x 24 long iron pin
- 5/8" dia x 48" long iron pin
- Indicates utility easement, width as shown



STATE OF IDAHO)
COUNTY OF IDAHO)

A.T. Peterson, being first duly sworn, deposes and says:
That he is a professional engineer, licensed to practice by the
State of Idaho, that he has compared the above copy with the
original plat and that the same is a true and exact copy of
said plat.

Subscribed and sworn before me this 6th
day of November, 1972

Notary Public for Idaho My Commission Expires
Residing at Idaho

CURVE DATA

NO	CENTRAL ANGLE	RADIUS	LENGTH	CHORD	PERCENT
1	75° 05' 31"	100.00	100.00	100.00	100.00

MICROFILMED

OCT 05 1992