

**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 95-10175

Date Received: 5-24-11

Receipt No: 2027271

Received By: um

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

RECEIVED

MAY 24 2011

IDWR/NORTHERN

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 ZIP 83858-9287

2. Date of Priority (Only one (1) per claim) May 13, 2011 City State
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

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For municipal purposes from 3/15 to 11/15 amount .8cfs or 140.0 AFA
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .8 cfs (cfs) and/or (b) 140.0 AFA (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) municipal water for the purpose of irrigating land within the municipal service area

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 _____

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: The Place of Use is the service area of the municipality as defined in I.C. 42-202(9). The current service area is shown on Attachment 3. The service area will expand as service lines are extended and as land is annexed into the city limits. The land within the service area that is currently being irrigated is shown on Attachment 5. This claim is to irrigate 40 acres within that service area.
Attachment 6 provides the documentation of this water right and its acquisition by the city of Rathdrum.

Last Name City or Rathdrum Identification No. _____

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 95-10175

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

City Attorney _____ of City of Rathdrum _____,
Title Organization

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

City Attorney _____ of City of Rathdrum _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization City Attorney, 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 5/20/2011

Address 250 Northwest Blvd. Suite 204

Coeur d'Alene, ID 82814

Last Name City of Rathdrum Identification No. _____

ATTACHMENT 1

POINTS OF DIVERSION

The points of diversion consist of 4 separate wells.

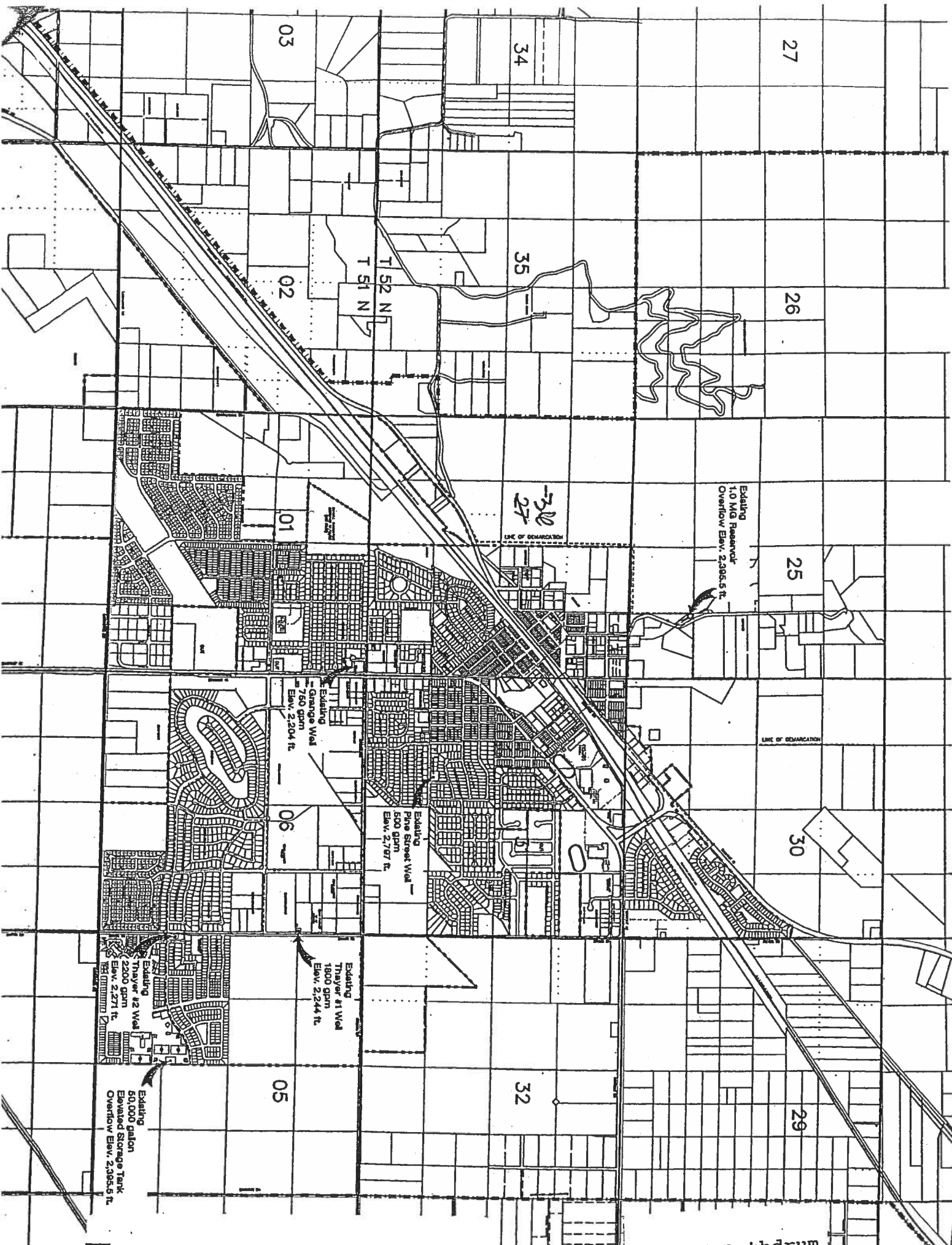
The wells are referred to as wells are referred to as Thayer #1, Thayer #2, Grange and Pine.

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

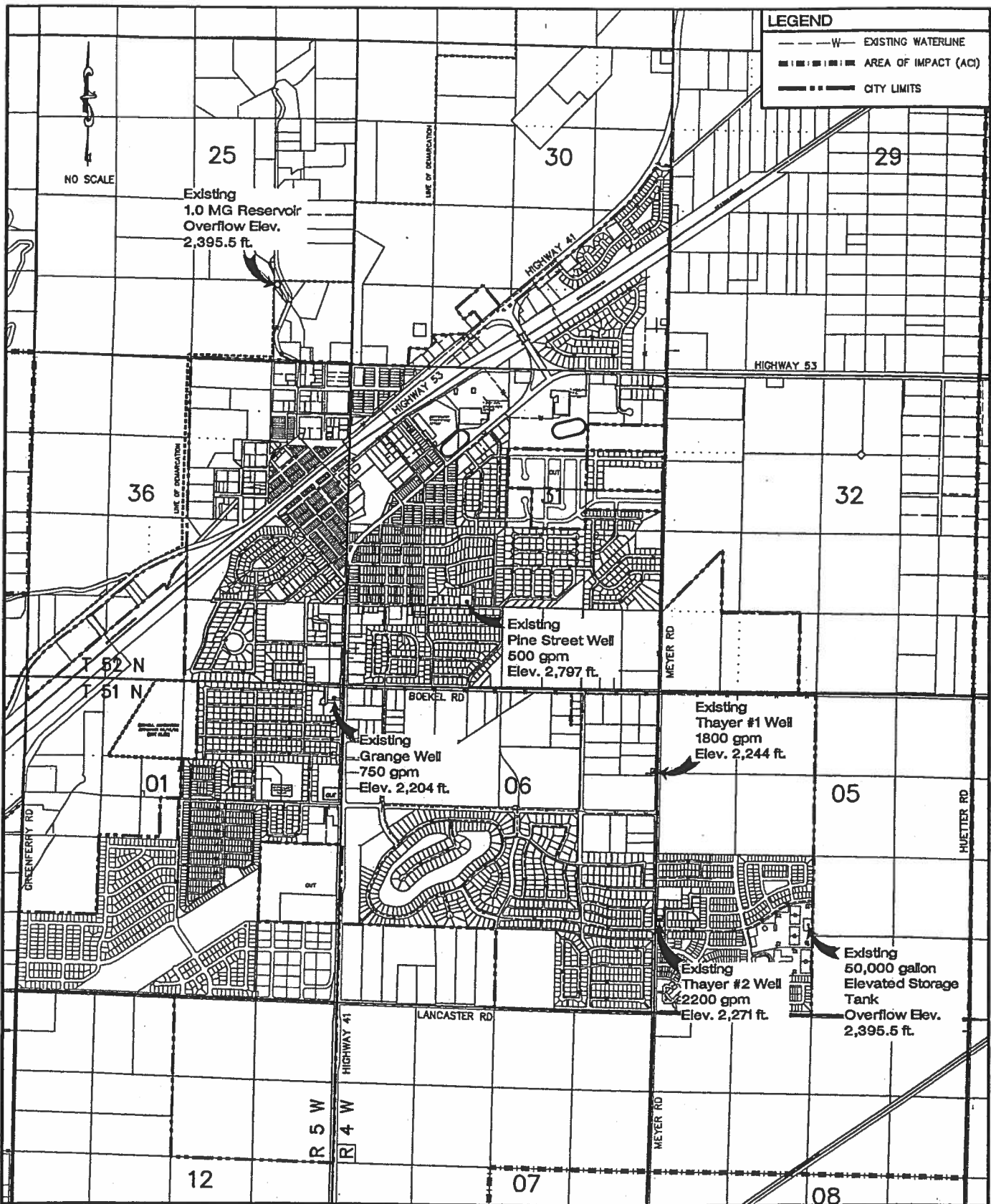
Grange is 750 gpm

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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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

The portion of 95-2155 now designated as 95-11426

The portion of 95-9539 now designated as 95-10175

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, that was conveyed to the City was for 189.1 acres (the 189.1 acres as for Water Right 95-2155)

In addition to the 250.5 irrigated acres being irrigated pursuant to that portion of Water right 95-2181 conveyed to the City, the City has been providing irrigation water to an additional 15.6 acres of land under Water Right 95-2182 prior to January 1, 2006 and another 40.0 acres of land under a portion of Water Right 95-9539, now designated as 95-10175, prior to January 1, 2006.

The total number of acres previously irrigated by the 5 water rights is 509.923 acres. That 509.923 acres is being irrigated with the above listed water rights, and the remaining 98.357 acres is being watered using municipal water rights.

RATHDRUM LAND DESCRIPTIONS

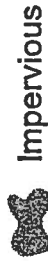
Legend

Water Jurisdiction

Land Types



Bare_Soil



Impervious



Irrigated Grass



Non_Irrigated Grass



Trees



Trees w/Impervious Understory

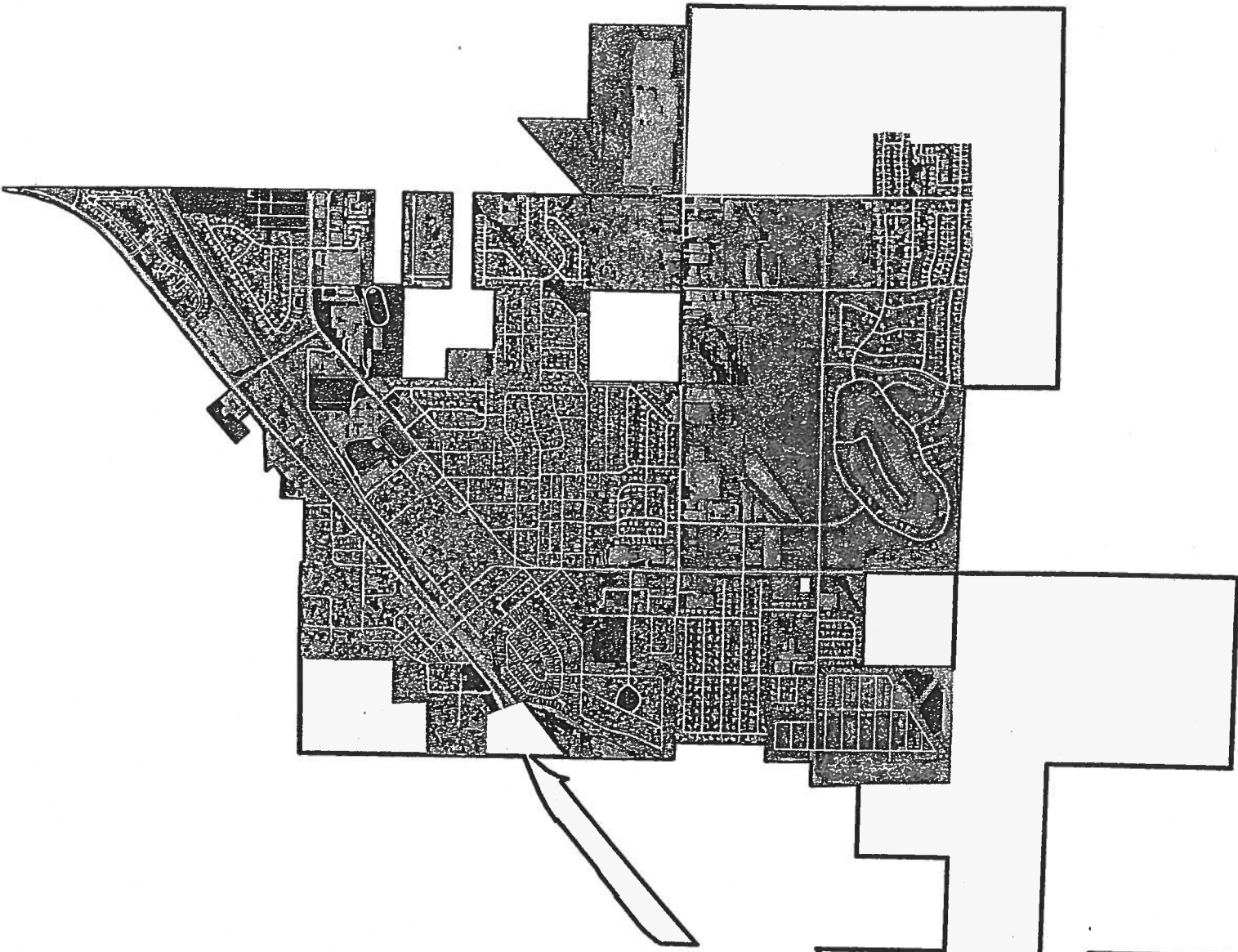
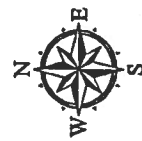


Water

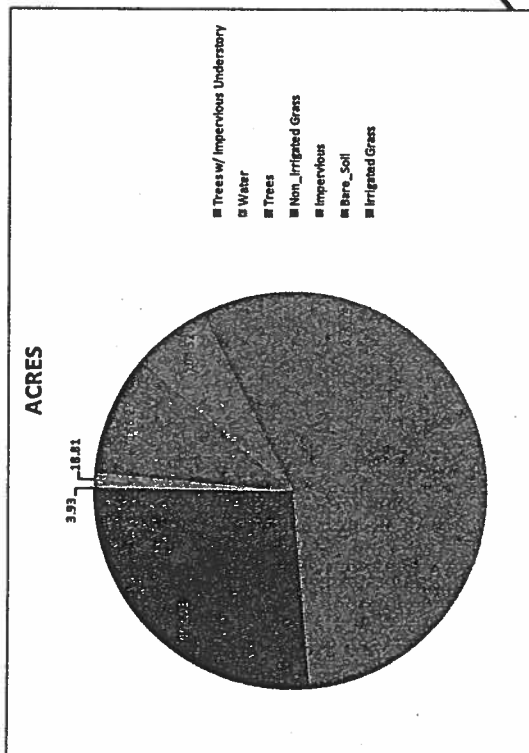
CITY



Rathdrum



RATHDRUM LAND DESCRIPTIONS



ATTACHMENT 6

This claim is for a portion of Water Right 95-9539. The water right was initially granted to George Thayer to irrigate land leased to George Thayer and which is currently owned by Golden Spike L.C.C.

The 40 acres associated with this water right was developed by Golden Spike L.C.C. as a residential development consisting of leased spaces on which individual lessees either installed a manufactured home or built a home owned by the lessees with the real property being owned by Golden Spike L.L.C. The city of Rathdrum has supplied all of the water for irrigation of the real property, including the open space and golf course since the development commenced. Golden Spike L.L.C. has acknowledged the accomplished transfer and has subsequently executed a Water Right deed relinquishing to the City any claim that Golden Spike might have regarding this water right, a copy of which is attached.

WATER RIGHTS DEED

KNOW ALL MEN BY THESE PRESENTS, that Golden Spike L.L.C., an Idaho limited liability company whose address is W. 8580 Yosemite Street, Rathdrum, ID 83858 GRANTOR, for good and valuable consideration, hereby grants and conveys 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, all rights and interest that GRANTOR has in the he water rights associated with the following described real property:

The Northwest Quarter of the Southwest Quarter of Section 1, Township 51
North, Range 5 West, Boise Meridian, Kootenai County, Idaho

The water rights associated with the above-described property is that 40 acre portion of Water Right No. 95-9539, which has been renumbered as Water Right 95-10175 for .8 cfs and 140 AFA.

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

19 IN WITNESS WHEREOF, the GRANTOR has caused this instrument to be executed this
day of MAY, 2011.

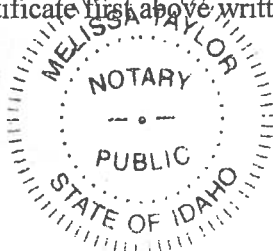
GOLDEN SPIKE L.L.C.

By David Spiker
Member

STATE OF IDAHO)
:ss
County of Kootenai)

On this 19th day of May, 2011, before me, a Notary for the state of Idaho, personally appeared David Spiker known, or identified to me to be the manager or a member of the limited liability company that executed this instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.



Melissa Taylor
Notary Public for the state of Idaho
Residing at: City of Rathdrum
Commission Expires: 8/31/2015