



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho
83815-7763 Phone: (208) 762-2800 • Fax: (208) 762-2819 •

Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor
November 10, 2015

GARY SPACKMAN
Director

CHARLES M DODSON
DODSON & RAEON LAW OFFICES
1424 SHERMAN AVE STE 300
COEUR D ALENE ID 83814

RE: Notice of Claim (claim) to a Water Right Number 94-4061, Joint School District #391

Dear Mr. Dodson:

You are receiving this letter because you are listed as attorney of record under Notice of Appearance on the Notice of Claim to a Water Right listed above. This is the claim filed by the Joint School District for storage on a pond located on Jackass Creek, used for irrigation surrounding the Kellogg High School.

This claim was initially recommended for disallowal because evidence supporting an irrigation usage with priority date of September 1, 1956, has not been submitted. (See our letter of June 16, 2015, attached.)

On November 3, 2015, a field inspection was completed at the Shoshone Medical Center for their water right claim, and it was at this time that I met with Tim Etherton, who submitted evidence of the irrigation usage at the high school. This has resulted in an amended Notice of Claim for the Joint School District which, due to the Notice of Appearance, is being sent to you. Please review this claim, and if it meets with your approval, sign and date under item 15. A copy of the original claim is included for comparison purposes.

We will be submitting all claims in Basin 94 within the near future so I ask that you return this information, to my attention, by *November 27, 2015*. If you would prefer, we may send this information directly to the facilities manager, Tim Etherton; however, due to the Notice of Appearance, will need your direction before doing so.

If you have any questions, I can be reached at (208) 762-2802 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent

Enclosure: Amended Notice of Claim to a Water Right Number 94-4061
Copy Notice of Claim to a Water Right Number 94-4061

COPY

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: 94-4061

Date Received: ~~11/17/2009~~

Receipt No: N022884

Received By:

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

1. Name of Claimant(s)

KELLOGG JOINT SCHOOL Phone: (208) 784-1348
DISTRICT #391
800 BUNKER AVE
KELLOGG ID 83837

2. Date of Priority: 9/1/1956

3. Source: JACKASS CREEK Tributary to: SOUTH FORK COEUR D ALENE RIVER

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
49N	03E	30	NW SE		SHOSHONE	

5. Description of diverting works:

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
IRRIGATION	04/01 10/31	0.09	
IRRIGATION FROM STORAGE	04/01 10/31	0.09	
IRRIGATION STORAGE	01/01 12/31		1

7. Total Quantity Appropriated is: 0.09 C.F.S. and/or 1 A.F.A

8. Non-irrigation uses:

9. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
49N	03E	30	SW SE	6	IRRIGATION STORAGE	
					Section Acres	

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
49N	03E	31	SE NW		IRRIGATION	2
			NE SW		IRRIGATION	1
					Section Acres	3

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
49N	03E	31	SE NW		IRRIGATION FROM STORAGE	2
			NE SW		IRRIGATION FROM STORAGE	1
					Section Acres	3

Total Acres 3

10. Place of use in counties: SHOSHONE

11. Do you own the property listed above as place of use?

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description

IRRIGATION

IRRIGATION FROM STORAGE

IRRIGATION STORAGE

14. Basis of Claim: Statutory Claim

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 notice 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.

For Individuals: I/We do solemnly swear or affirm under penalty or 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 or perjury that I am

_____ of _____
Title Organization

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

_____ of _____
Title Organization

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

Signature of Authorized Agent _____ Date: _____

Title and Organization _____

Please print name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Address _____

Date _____

The Notice of Appearance block is only necessary if one of the owners has an "attorney owner code. However, if that goes beyond the scope of the project, just having it generated under all circumstances is better than not having it generated under any circumstances."