



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

GARY SPACKMAN
Director

March 11, 2016

LEANING PINE INC
1400 SW DAVENPORT ST
PORTLAND OR 97201

RE: Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim 95-4510 & 95-4511

Dear Claimant:

We are in the process of reviewing the above claims for recommendation in the CSRBA; however, before we can complete our recommendation we need more information from you. Starting with claim number 95-4511:

This is the claim filed for domestic usage for six homes at the rate of 0.11 cubic feet per second (cfs) from a ground water source. The filing fee of \$25.00 was received for the claim.

Claims of this type may be accepted if they meet the definition of domestic purposes under both the adjudication statute and the ground water appropriation permit requirement, as set forth in Section 42-111 Idaho Code. This section explains the domestic use requirement (in part) as follows:

1(a) The use of water for **homes**, organization camps, public campgrounds, livestock and any other purpose in connection therewith, including up to ½ acre of irrigation, if the total use is not in excess of 13,000 gallons per day (gpd). Adjudication Rules further explain that the domestic use includes single-ownership, multiple family domestic uses, so long as the total amount of water diverted does not exceed 13,000 gpd.

1(b) Part b of the domestic definition covers any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Your claim does not fall under 1(a) of the definition because the homes are owned by multiple families. And it does not fall under 1(b) of the definition because the total amount of water claimed is more than 0.04 cfs and 2500 gallons per day.

Consequently, in its present form, we may only recommend the water usage for one home and ½ acre of lawn irrigation.

Enclosed is an amended claim which shows the water usage for six homes. Please sign and date the claim, and return to this office. Also, we will need an additional fee of \$36.00. This is based on a filing fee of \$50.00 for the claim and \$1.00 per cfs equaling \$11.00, minus the \$25.00 fee you've already paid, leaving a balance due of \$36.00.

Also enclosed is claim 95-4510, which has been amended to include 6 homes. We do not need an additional fee since \$61.00 has already been paid. I ask that you sign and date this claim because although the description of use refers to six homes, one home is listed under the non-irrigation use.

You'll also find a map enclosed. Please label the location of the well and the lake diversion. The map also shows the parcels where the water usage is occurring. It does not appear that the Morris property is included. Is this correct? Please label the locations of place of use.

Lastly, has there been a change of address? Claim 95-4510 lists a second address in Wilsonville, OR. Claim 95-4511 does not have this second address. An address change form is enclosed should you need to make one.

Please return this information, to my attention, by **April 11, 2016**. If you have any questions, I can be reached at (208) 762-2800 or by email at linda.werner@idwr.idaho.gov.

Sincerely,

A handwritten signature in cursive script that reads "Linda Werner".

Linda A. Werner
Water Resource Agent, Sr.

Enclosure(s): Amended Claim Numbers 95-4510 and 95-4511
Map
Change of Address Form

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 95-4510
Date Received: 7/6/2010
Receipt No: N025132
Received By:

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

1. Name of Claimant(s)

LEANING PINE INC Phone: (503) 781-9197

1400 SW DAVENPORT ST
PORTLAND OR USA 97201

LEANING PINE INC Phone: (503) 720-1618

31393 SW MARSH HAWK MEADOW LN
WILSONVILLE OR USA 97070

2. Date of Priority: 01/01/1951

3. Source: COEUR D ALENE LAKE Trib. to: SPOKANE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
48N	04W	11	NW SE 2	KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.11	
FIRE PROTECTION	01/01	12/31	0.11	

7. Total Quantity Appropriated is:
0.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 6

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
48N	04W	11	NE	SE		DOMESTIC	
			NW	SE	2	DOMESTIC	
			SW	NE	1	DOMESTIC	
			SW	NE	1	FIRE PROTECTION	
			NE	SE		FIRE PROTECTION	
			NW	SE	2	FIRE PROTECTION	

11. Place of use in counties: KOOTENAI

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

13. Other Water Rights Used:

14. Remarks:

Priority Date Description: Leaning Pine Associates filed a claim for water right 95-4510 on 1-1-51. Notice of claim was published under Legal 964, Sept. 16, 23, 1982. These rights have been used annually for the same purpose since 1951 and are being used today as well. Documentation in the form of corporate minutes and financial statements from this time period is being sent to the Idaho Dept. of Water Resources by mail. This information includes Leaning Pine Point Treasurers Report produced and signed in 1957 regarding the installation of a pump and piping for the withdrawal of water from Coeur d'Alene lake. Also included is the affidavit of publication for the claim of water right and a copy of the claim of water right application.

It should be noted that there is one point of diversion (POD) for this system, however, this pump supplies water to six homes, as it did when it was constructed and as it does now. The use of water by six homes the reason the expectation of more than 13,000 gallons per day has been noted on this application and a request for 0.11 cfs has been applied for. This flow rate is the amount originally applied for in the Claim to a Water Right (see supporting documents). The use of the water at the property includes irrigation of lawns and gardens around the six homes. The water use will also be used for fire suppression for both the developed and undeveloped property as needed.

Description of Use: Domestic - Water is drawn from the lake through a polyethylene hose with a foot valve. The water is then pumped to the top of a small hill where it is stored in a 400 gallon tank. A distribution line connects this tank to six homes. Each home uses the water as they wish which includes watering lawns and gardens. There is no commercial irrigation use for the water, it is all considered domestic use.

Fire Protection: Water is pumped from the lake up to the top of a small hill where the water is stored in an above-ground storage tank (approx. 400 gallon cap). This stored water is gravity fed to six homes and is considered to be a source of water for fire suppression at the six homes as well as on the surrounding undeveloped land.

15. Basis of Claim: Statutory Claim

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing

Organization

document in the space below as _____ of

Title

_____, and that the statements contained in the

Organization

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization

Date

State of Idaho)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 95-4511
Date Received: 7/6/2010
Receipt No: N025131
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LEANING PINE INC Phone: (503) 781-9197

1400 SW DAVENPORT ST
PORTLAND OR USA 97201

2. Date of Priority: 01/01/1951

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
48N	04W	11	NW SE 2	KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.11	

7. Total Quantity Appropriated is:
0.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 6

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
48N	04W	11	NW	SE 2	DOMESTIC	
			SW	NE 1	DOMESTIC	

11. Place of use in counties: KOOTENAI

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

13. Other Water Rights Used:

14. Remarks:

Priority Date Description: The water use is from a well installed in 1951. Groundwater has been used since that time to supply water to six homes. These six homes are still being supplied from this same source. The priority date was originally claimed on a Claim to Water Right submitted in 1982 (copy is supplied in documents). The priority date is related to the time water well was drilled and water began to be used. Documentation of the well being drilled on July 9, 1951 is included in documentation sent to the Water Resources for this file. These documents include signed treasures' reports for Leaning Pine Point (now known as Leaning Pine Inc.) documenting the cost distribution for the drilling the well and installation of the distribution system. Water has been withdrawn continuously from this groundwater source since 1951.

Description of Use: A well supplies water to an underground storage tank at the top of a nearby small hill. The water is then gravity-fed to six homes through an underground distribution system. It should be noted that some homeowners have two lots (as shown on POU, there are seven lots).

15. Basis of Claim: Statutory Claim

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

LEANING PINE INC

