

RECEIVED

MAY 13 2016

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)

Case No. 49576)

A. Subcase 94 - 8407

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: West Shoshone Hospital District # 1

Address: 25 Jacobs Gulch Rd.

Kellogg, Idaho 83837

Daytime Phone: 208-784-7017 ext. 319 (Justin Custis)

Name & Address of Attorney, if any:

Linda B. Jones, Esq.

Holland & Hart LLP

800 W. Main Street, Suite 1750

Boise, ID 83702

Tele: 208-342-5000 Fax: 208-343-8869

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: West Shoshone Hospital District # 1

Address: 25 Jacobs Gulch Rd.

Kellogg Idaho 83837

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date** 4/1/1957
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Industrial, Industrial Storage, Industrial from Storage and Irrigation, Irrigation Storage, and Irrigation from Storage
8. ☒ **Period of Year**
Should be: All seasons
9. ☒ **Place of Use**
Should be: See attached Amended Claim and other Information
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.
Should be: _____

☐ General provision was recommended but should be modified as described below.
Should be: _____

11. ☐ I object because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The attached Amended Claim was submitted following a field inspection by IDWR (Linda Werner) on November 5, 2015. The attached additional information was submitted following the inspection. This information supports the requested changes to the recommended Claim. The claimant requests that the Water Right be recommended as set forth in the Amended Claim, except for the priority date. The priority date should be 4/1/1957, the same date as the Kellogg Joint School District Water Right 94-4061. This is the same water diversion and system that has been used for irrigation and other purposes for the School District and the Medical Center since 1956.

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on _____, 20____, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: West Shoshone Hospital District # 1

Address: 25 Jacobs Gulch Rd.
Kellogg, Idaho 83837

3. Copies to:

**IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098**

**United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724**

**Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010**



**Signature of Objector or attorney
mailing on Objector's behalf**

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: 94-8407

Date Received: ~~5/27/2014~~

Receipt No: T094080

Received By:

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

1. Name of Claimant(s)

WEST SHOSHONE HOSPITAL Phone: (208) 784-1221
DISTRICT #1
25 JACOBS GULCH RD
KELLOGG ID 83837

2. Date of Priority: 1/8/1984

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
49N	03E	30	SW SE	6	SHOSHONE	

5. Description of diverting works

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
INDUSTRIAL	01/01 12/31	0.01	
INDUSTRIAL FROM STORAGE	01/01 12/31	0.01	
INDUSTRIAL STORAGE	01/01 12/31		1
IRRIGATION	04/01 10/31	0.07	
IRRIGATION FROM STORAGE	04/01 10/31	0.07	
IRRIGATION STORAGE	04/01 10/31		1

7. Total Quantity Appropriated is: 0.08 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	30	SW SE	6	INDUSTRIAL 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	NE SW		IRRIGATION FROM STORAGE	0.5
			SW SW	4	IRRIGATION FROM STORAGE	0.5
			SE SW	5	IRRIGATION FROM STORAGE	1.5
					Section Acres	2.5

<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	NE SW		IRRIGATION	0.5
			SW SW	4	IRRIGATION	0.5
			SE SW	5	IRRIGATION	1.5
					Section Acres	2.5

<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	NE SW		INDUSTRIAL FROM 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	NE SW		INDUSTRIAL	
					Section Acres	

Total Acres 2.5

10. Place of use in counties: SHOSHONE

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

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description

INDUSTRIAL

INDUSTRIAL FROM STORAGE

INDUSTRIAL STORAGE

IRRIGATION

IRRIGATION FROM STORAGE

IRRIGATION STORAGE

14. Basis of Claim: Beneficial Use

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 _____

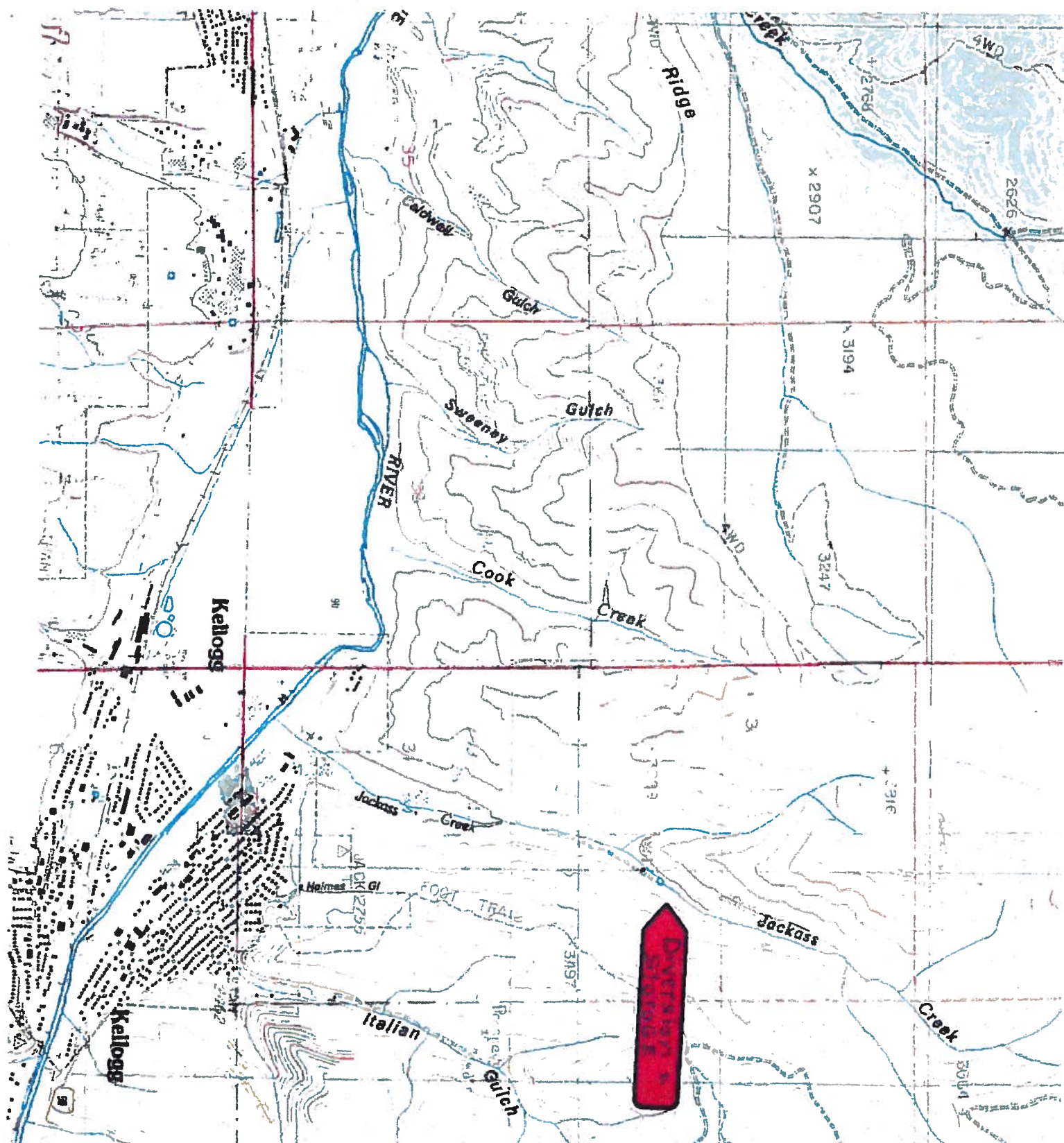
Please print name

94-8407, SHOSHONE MEDICAL CENTER



The U.S. GSA Real Estate Photographs and Office are to be credited in derivative products.

The USA FSA Aerial Photography Field office asks to be credited in derived products.



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: 94-8407

Date Received: ~~8/27/2014~~ 11-23-2015

Receipt No. T094060

Received By: LW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED
UNDER STATE LAW

RECEIVED

NOV 23 2015

IDWR/NORTHERN

1. Name of Claimant(s)

WEST SHOSHONE HOSPITAL Phone: (208) 784-1221
DISTRICT #1
25 JACOBS GULCH RD
KELLOGG ID 83837

2. Date of Priority: 1/9/1984

3. Source: JACKASS CREEK

Tributary to: SOUTH FORK COEUR D ALENE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
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5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
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INDUSTRIAL FROM STORAGE	01/01 12/31	0.01	
INDUSTRIAL STORAGE	01/01 12/31		1
IRRIGATION	04/01 10/31	0.07	
IRRIGATION FROM STORAGE	04/01 10/31	0.07	
IRRIGATION STORAGE	04/01 10/31		1

7. Total Quantity Appropriated is: 0.08 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	30	SW SE	6	INDUSTRIAL 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	NE SW		IRRIGATION FROM STORAGE	0.5
			SW SW	4	IRRIGATION FROM STORAGE	0.5
			SE SW	5	IRRIGATION FROM STORAGE	1.5
					Section Acres	2.5

<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	NE SW		IRRIGATION	0.5
			SW SW	4	IRRIGATION	0.5
			SE SW	5	IRRIGATION	1.5
					Section Acres	2.5

<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	NE SW		INDUSTRIAL FROM 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	NE SW		INDUSTRIAL	
					Section Acres	

Total Acres 2.5

10. Place of use in counties: SHOSHONE

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

12. Other Water Rights Used:

13. Remarks:

Priority date description:

Description of use: Water Use Description

INDUSTRIAL

INDUSTRIAL FROM STORAGE

INDUSTRIAL STORAGE

IRRIGATION

IRRIGATION FROM STORAGE

IRRIGATION STORAGE

14. Basis of Claim: Beneficial Use

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 X 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): [Signature] Date: 11-18-15

Date: _____

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

Chief Executive & Financial Officer of West Shoshone Hospital District #1
Title Organization

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

Chief Executive & Financial Officer of West Shoshone Hospital District #1
Title Organization

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

Signature of Authorized Agent [Signature] Date: 11-18-15

Title and Organization Chief Executive & Financial Officer - West Shoshone Hospital District #1
Please print name

MEMO

Date: February 2, 2016
To: Claim File 94-8407, W. Shoshone Hospital District
From: Linda Werner, Water Resource Agent, Sr.
Subject: Recommended Water Usage

L.W.

The Shoshone Hospital District filed a Notice of Claim for irrigation usage of 23.6 acres on September 27, 2011. The claim, based on beneficial use, did not include evidence of priority when submitted. Consequently, a letter was sent to Justin Custis, Facility Manager, on June 16, 2015, requesting evidence of priority. Evidence was received on August 14, 2015; however, it did not support the irrigation usage.

The claim was recommended for disallowal and a letter was sent to Mr. Custis on October 27, 2015, advising him of our recommendation.

On November 3, 2015, a field inspection was completed and irrigation of 2.5 acres and industrial usage were found. As a result, an amended claim representing our field exam findings was completed and sent to the Mr. Custis for review and signature. This claim included the water usage elements of storage for industrial and irrigation as well as irrigation and industrial usage from storage. The amended claim was signed and returned on November 23, 2015. However, because we still had not received sufficient evidence of the irrigation usage the claim was recommended for industrial use only.

I called Mr. Custis on February 2, 2016, to advise him that the claim was being recommended without the irrigation usage. He does not remember receiving our letters and requested that I send him a copy. As a result, I emailed him copies of the letters dated June 16, 2015 and October 27, 2015, on February 2, 2016.

He stated he will find some evidence of the irrigation usage and get it to me as soon as possible.

Werner, Linda

From: Werner, Linda
Sent: Tuesday, February 02, 2016 10:16 AM
To: 'jcustis@shomed.org'
Subject: Notice of Claim Number 94-8407
Attachments: letters 6.16.2015 & 10.27.2015.pdf

Justin,

Attached are two letters which I sent on June 16, 2015 and October 27, 2015. The second letter mentions that the evidence did not support the irrigation usage and the claim was "disallowed". However, because the field exam of November 3, 2015, supported the industrial usage, as did the evidence, we recommended it for the industrial usage only.

*Linda Werner
Water Resource Agent, Sr.
Idaho Department of Water Resources
Northern Region
(208) 762-2800*



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

October 27, 2015

JUSTIN CUSTIS
SHOSHONE MEDICAL CENTER
25 JACOBS GULCH
KELLOGG ID 83837

SUBJECT: Notice of Error Reply to Notice of Claim to a Water Right Number 94-8407

Dear Mr. Custis:

The Idaho Department of Water Resources has reviewed the documents received on August 14, 2015, submitted to support the irrigation of 23.6 acres with water diverted from Jackass Creek. This includes the following:

December, 1964 Warranty Deed
Notice of Location of Water Right
Color Map Showing reservoir Location
Senior High – Hospital Water System Capability
Excavation Permit for Remediation of Reservoir
Pictures From Remediation Project

We have reviewed this information and found that it does not support the irrigation usage as claimed. Consequently, we are unable to change our recommendation of "disallowed" due to no beneficial use found.

Please feel free to contact me if you have any questions. I can be reached at (208) 762-2800.

Sincerely,

Linda A. Werner
Water Resource Agent, Sr.



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

June 16, 2015

WEST SHOSHONE HOSPITAL DISTRICT #1
25 JACOBS GULCH
KELLOGG ID 83837

RE: Evidence of Priority Date for Notice of Claim to a Water Right Number 94-8407

RESPONSE DEADLINE
DATE: JULY 17, 2015

Dear Claimant:

The Notice of Claim to a Water Right identified with the number shown above has been filed in the Coeur d'Alene-Spokane River Basin Adjudication, also known as Phase 1 of the Northern Idaho Adjudication (NIA). The claim indicates your water usage is based on "Beneficial Use" or "Statutory Claim". Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the NIA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, to my attention. 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
Water Resource Agent, Sr.

Enclosures: Evidence of Priority Pamphlet
Copy of Notice of Claim Number 94-8407

Werner, Linda

From: Justin Custis [jcustis@shomed.org]
Sent: Thursday, February 18, 2016 10:46 AM
To: Werner, Linda
Subject: Summary
Attachments: Water System Summary_IDWR.pdf

RECEIVED
FEB 18 2016
IDWR / NORTH

Hello Linda,

I have attached a brief summary. I hope this helps provide explanation of the water supply. Please let me know if you need more detail.



Justin Custis
Director of Facility Operations

SHOSHONE MEDICAL CENTER
25 Jacobs Gulch | Kellogg, Idaho | 83837
O 208.784.4610 | M 208.512.2065 | F 208.784.0961
E jcustis@shomed.org

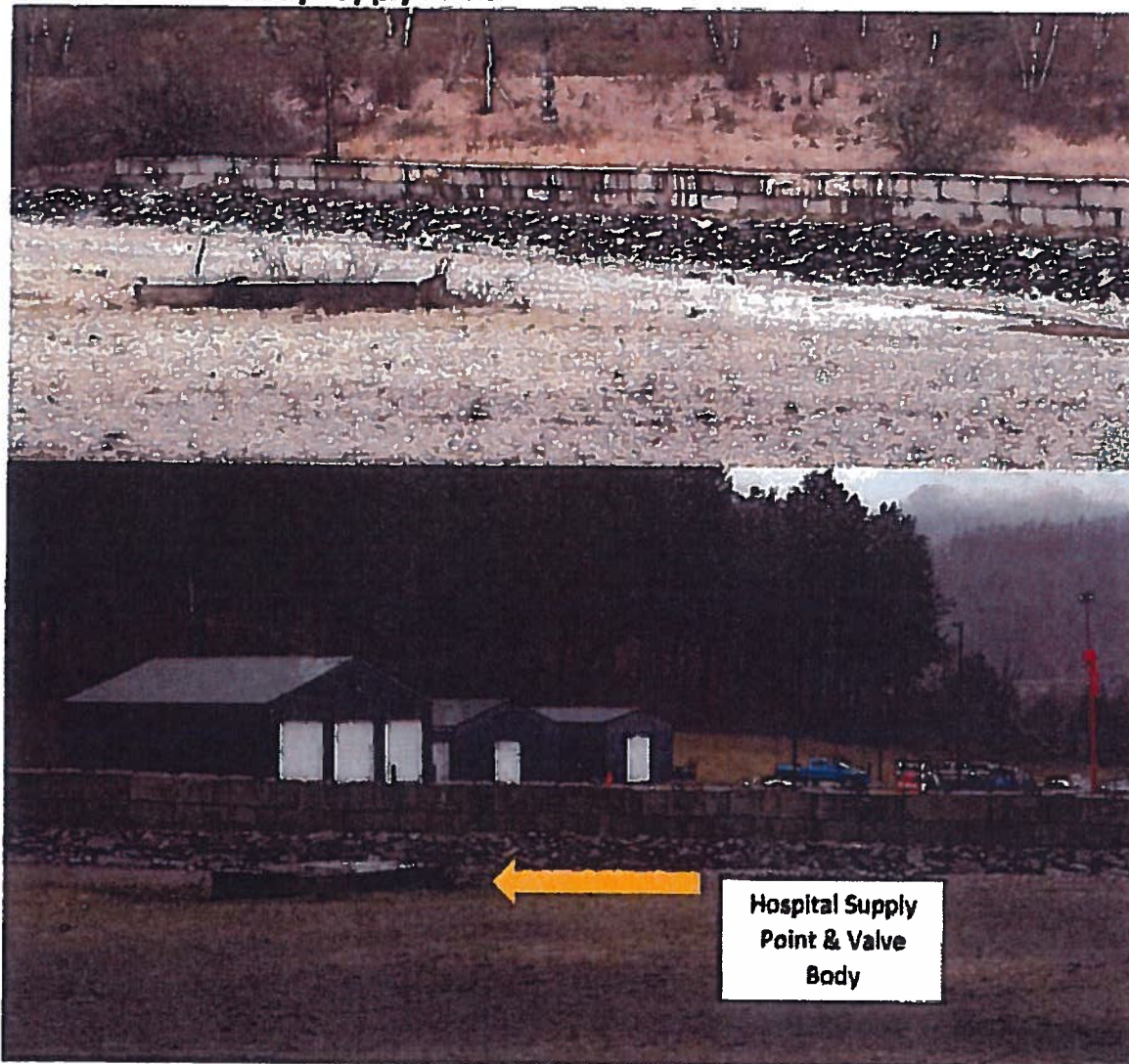
RECEIVED
FEB 18 2016

IDWR / NORTH

The reservoir supplies both the High School and the Hospital as a single-piped water source, which supplies multiple purposes and services of which most are critical to the hospital and high school operation.

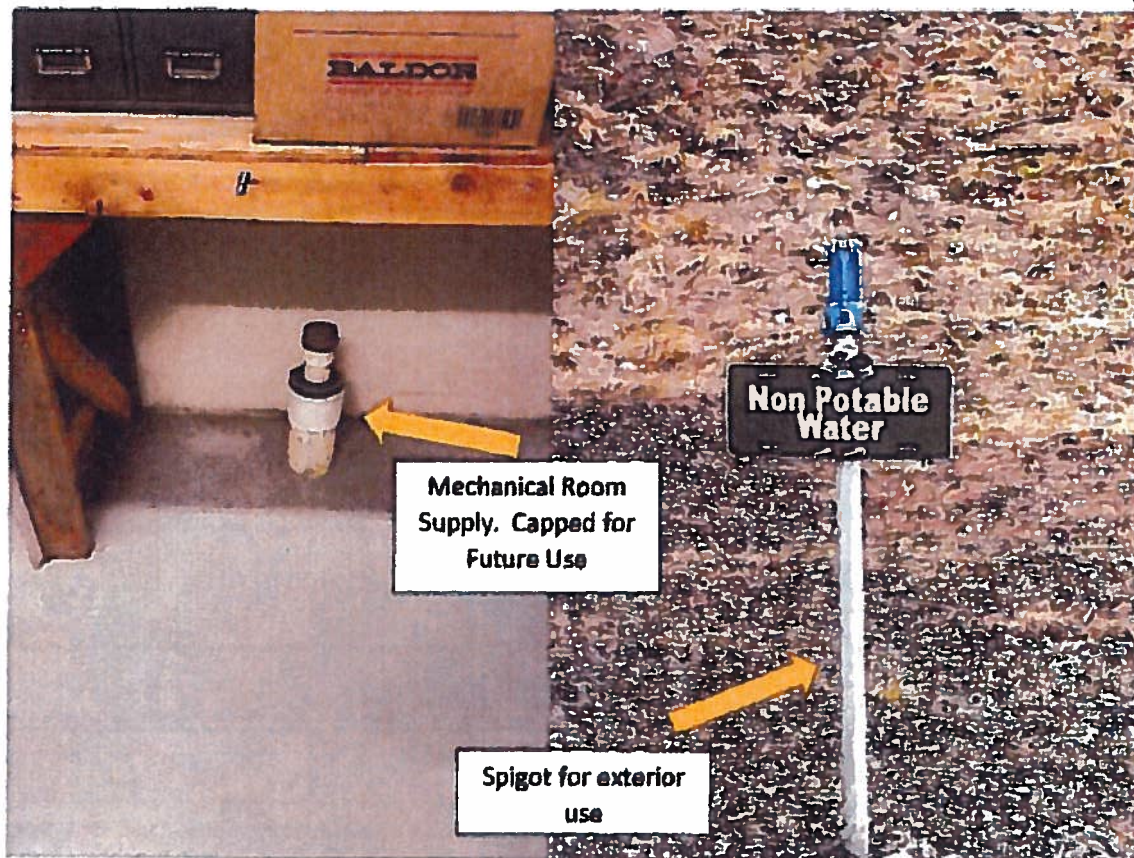
The piping consists of a single buried pipe starting from the reservoir, and ending at the hospital. There is a branch that supplies Kellogg High School, feeding irrigation and fire suppression. Once the pipe passes the high school, it reaches a reconditioned valve body that controls all of the remaining water supply to the hospital for irrigation, decontamination, and non-potable back up water supply.

Reservoir Valve Body Supply Point



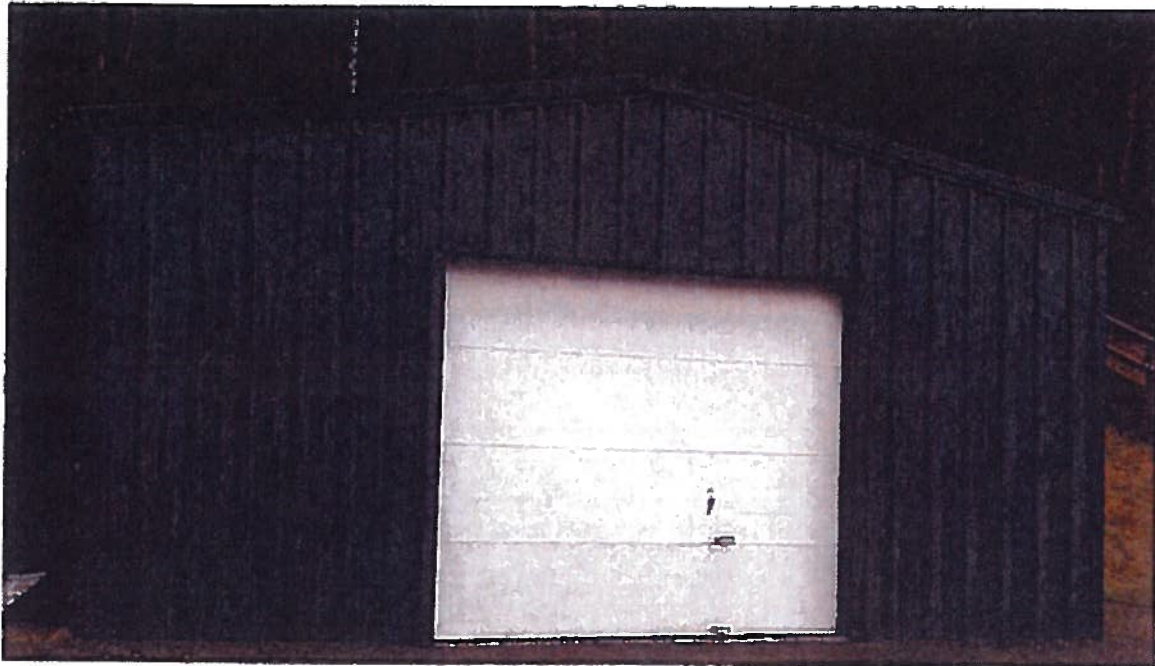
RECEIVED
FEB 18 2016
IDWR / NORTH

Non-Potable Emergency Use



RECEIVED
FEB 18 2016
IDWR / NORTH

2-Unit Decontamination



Irrigation



Typical sprinkler valve
body for irrigation

Werner, Linda

From: Werner, Linda
Sent: Monday, February 29, 2016 3:42 PM
To: 'Justin Custis'
Subject: RE: Evidence of Priority
Attachments: SF1.OBJECTION.pdf; OBJECTION.INSTRUCTIONS.pdf

Hi Justin,

Yes. It was a timing issue. The Director's Report was mailed out before we (office staff) had a chance to discuss the new information that you sent us.

You may be wondering what the next step is: You may file an objection with the Coeur d'Alene-Spokane River Basin (CSRBA) District Court. I have attached the objection form and the instructions. There was an information sheet included with the packet you just received. It's entitled "Notice of Filing Director's Report for Basin 94 Water Right". That will give you more details on the procedure.

Linda
(208) 762-2802

From: Justin Custis [mailto:jcustis@shomed.org]
Sent: Monday, February 29, 2016 11:37 AM
To: Werner, Linda
Subject: RE: Evidence of Priority

Hello Linda,

I received a packet of information today. Looking through it, it looks as though we have only an Industrial from Storage? Can you please explain to me?

Thanks,
Justin

From: Werner, Linda [mailto:Linda.Werner@idwr.idaho.gov]
Sent: Wednesday, February 17, 2016 1:18 PM
To: Justin Custis <jcustis@shomed.org>
Subject: RE: Evidence of Priority

Hi Justin,

The claim has been recommended for the decontamination portion, but not for the irrigation portion. The usage is described as industrial, which is the usage at the decontamination site, then there's also an element for the storage in the pond, called industrial storage and an element for taking the water from the pond to the usage site, described as industrial from storage. The quantity recommended for the pond is 1.0 acre-feet, so that allows that much water to be stored in the pond, which makes it available for the hospital usage as well as the school.

Some sort of evidence for the irrigation is what's needed. As an example of types of evidence to send in - an affidavit from someone who knows of the irrigation usage back to the priority date will suffice. The affidavit does not have to be notarized, but it should be specific as to dates and time. Are there any receipts from the irrigation pipeline installer?

Werner, Linda

From: Justin Custis [jcustis@shomed.org]
Sent: Monday, February 29, 2016 11:37 AM
To: Werner, Linda
Subject: RE: Evidence of Priority

Hello Linda,

I received a packet of information today. Looking through it, it looks as though we have only an Industrial from Storage? Can you please explain to me?

Thanks,
Justin

From: Werner, Linda [mailto:Linda.Werner@idwr.idaho.gov]
Sent: Wednesday, February 17, 2016 1:18 PM
To: Justin Custis <jcustis@shomed.org>
Subject: RE: Evidence of Priority

Hi Justin,

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Some sort of evidence for the irrigation is what's needed. As an example of types of evidence to send in - an affidavit from someone who knows of the irrigation usage back to the priority date will suffice. The affidavit does not have to be notarized, but it should be specific as to dates and time. Are there any receipts from the irrigation pipeline installer? Any work completed on the system that goes back that far for which you have receipts? Did anyone take any pictures during the building process? Is there evidence of irrigation in any of those pictures?

I hope this helps.

Since you mention that you'll be meeting with Administration, you may want to know about our web site, as it's from this site that you can see all documents relating to your claim. That web address is: www.idwr.idaho.gov. If you'll choose online research, water rights search, than after agreeing to the terms, choose Adjudication, Water Rights & Basin or Transfer - put the claim I.D. number in and this will bring up all information related to the claim.

Linda

From: Justin Custis [mailto:jcustis@shomed.org]
Sent: Wednesday, February 17, 2016 11:14 AM
To: Werner, Linda
Subject: RE: Evidence of Priority

Hi Linda,

Before I begin discussions with Administration, I need to know the impact to the hospital in the event the claim is disallowed? Also, how can the claim be disallowed when the pipe feeding the decontamination units, irrigation, and non-potable emergency resource is common?

Thanks,
Justin

From: Werner, Linda [<mailto:Linda.Werner@idwr.idaho.gov>]
Sent: Tuesday, February 16, 2016 11:39 AM
To: Justin Custis <jcustis@shomed.org>
Subject: Evidence of Priority

Hi Justin,

I've attached an information sheet on evidence of priority. This will have some examples of types of evidence to submit. Yes, irrigation is the issue. I know you'll get back to me as soon as possible.

Linda

*Water Resource Agent, Sr.
Idaho Department of Water Resources
Northern Region
(208) 762-2802*

From: Justin Custis [<mailto:jcustis@shomed.org>]
Sent: Monday, February 15, 2016 10:04 AM
To: Werner, Linda
Subject: RE: Notice of Claim Number 94-8407

Hello Linda,

I now have a moment to work on this claim, and weird that I did not receive a copy of this letter, other than this one you've emailed me? Otherwise I think you know by now how responsive I am. Anyway, what is it specifically that you need me to provide to you? Irrigation seems to be the issue?

Thanks,
Justin

From: Werner, Linda [<mailto:Linda.Werner@idwr.idaho.gov>]
Sent: Tuesday, February 02, 2016 10:13 AM
To: Justin Custis <jcustis@shomed.org>
Subject: Notice of Claim Number 94-8407

Justin,

Attached are two letters which I sent on June 16, 2015 and October 27, 2015. The second letter mentions that the evidence did not support the irrigation usage and the claim was "disallowed". However, because the field exam of November 3, 2015, supported the industrial usage, as did the evidence, we recommended it

• for the industrial usage only.

*Linda Werner
Water Resource Agent, Sr.
Idaho Department of Water Resources
Northern Region
(208) 762-2800*

DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

JULY 6, 1981

JOINT SCHOOL DISTRICT NO. 391
800 BUNKER AVE.
KELLOGG ID 83837

RE: Claim No. 94-4061

Dear Claimant:

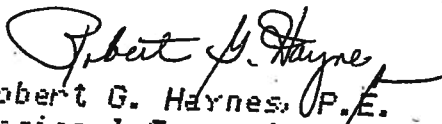
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joint School Dist. #391 (Name of Claimant)

800 Bunker Ave. Hellegard, Id. (Mailing Address) 1348 Telephone No. 234-1348 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Sept. 1956

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Jackson Creek tributary to St. Louis d'Alene River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: 4.5 - Irrigation from 3-15 to 11-15
4.5 - Storage for domestic use from 3-15 to 11-15
4.5 - Storage for domestic use from 3-15 to 11-15
(cfs, gpd, AFA) (Domestic, irrigation, stock, etc.) (Mo., Day)

Quantity	<u>2.33 cfs</u>	Use	<u>Domestic (A)</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity	<u>0.45 cfs</u>	Use	<u>Domestic (B)</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity	<u>1.45</u>	Use	<u>Storage for Domestic</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity	<u>1.45</u>	Use	<u>Domestic (Domestic)</u>	Period of Use From	<u>1-1</u>	To	<u>12-31</u>
Quantity	<u>0.06 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>3-15</u>	To	<u>11-15</u>
(4)	<u>0.68 cfs / 1.45</u>	TOTAL QUANTITY USED.					
	(cfs, gpd, AFA)						

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SE 30 Twp. 49N Rge. 35E B.M., County of Shoshone
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch, and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 8' Iron Pipe from well area to 8' Dia 8'1" in

Claim No. 94-1261

not for irrigation, please enter in appropriate box

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
49N	3E	31								X2									2
"	"	"								X1				/					1

No. of acres 3

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

A.) School - 500 Students / Gym, Cafeteria

B.) Hosp. - 60 Beds (Cafeteria - Laundry)

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

Remarks

Sec. 30

x - P.D.

T49N
R3E

x

x P.H.

Sec. 31

Notes

Should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, and range of the public land survey system.

State of Idaho

County of Blaine

) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28th day of May, 1981.

Richard C. Duffin
(Claimant)

Notary Public
Residing at 1744 E. 1st St.

My commission expires July 1, 1982

FOR DEPARTMENT USE ONLY

Received by Mr. [Signature] Date 4/1/81 Exception filed by: [Signature] Forwarded to [Signature] Date [Signature]

Prelim. check by Mr. [Signature] Date 4/1/81 \$28.80 fee received by Mr. [Signature] Date 4/1/81 (18162)

Published in Blaine Evening News Dates 6/1/81 to 6/24/81

WARRANTY DEED

THIS INDENTURE, Made this 7th day of December, 1964,
by and between THE BUNKER HILL COMPANY, a Delaware corporation, by
its Attorney-in-Fact, Party of the First Part, and JOINT SCHOOL DISTRICT
NO. 391, Shoshone and Kootenai Counties, Idaho, a public corporation of the
State of Idaho with its principal place of business at Kellogg, in Shoshone
County, Idaho, and WEST SHOSHONE HOSPITAL DISTRICT NO. 1, a public
corporation of the State of Idaho, with its principal place of business at Kellogg,
in Shoshone County, Idaho, Parties of the Second Part:

WITNESSETH:

That the party of the first part, for and in consideration of the
sum of One Dollar (\$1.00), lawful money of the United States of America, and
other good and valuable consideration to it in hand paid by the said parties
of the second part, the receipt whereof is hereby acknowledged, has granted,
bargained and sold and by these presents does grant, bargain, sell, convey
and confirm unto the said parties of the second part, and to their successors
and assigns forever, all of the following described real property situated in the
County of Shoshone, State of Idaho, to-wit:

A tract of ground located in the Southeast Quarter (SE1/4)
of Section Thirty (30), Township Forty-nine (49)
North, Range Three (3) East Boise Meridian and more
particularly described as follows:

Beginning at the Southwest corner a point identical
with the South 1/4 corner of Section Thirty (30),
Township Forty-nine (49) North, Range Three (3)
East Boise Meridian; thence North 30° 31' East
1,360 feet to a point; thence North 59° 29' West
40.00 feet to a point; thence North 40° 00' East
170.00 feet to a point; thence South 59° 29' East
140.00 feet to a point; thence South 40° 00' West
170.00 feet to a point; thence South 30° 31' West
1,301.1 feet to a point on the South line of said
Section Thirty (30); thence West along said section
line 116.1 feet to the Southwest corner and place of
beginning and containing 3.594 acres more or less.

Excepting and reserving unto the said party of the first part, its successors and assigns, from and out of the granted premises, all mines and minerals and mineral deposits of whatsoever kind or nature lying in and under the premises hereby conveyed, with the full right to mine and remove said mines and minerals by underground workings only and without entering upon or in any nature affecting or exercising any rights or powers whatsoever in and to the surface of the property hereby conveyed; also, excepting and reserving unto first party, its successors and assigns, the right to explore in and through the subsurface of said premises, by means of subsurface mine workings, drillings, or otherwise, for metals, and mineral substances located therein or elsewhere, and the right to construct therein and use any subsurface mine workings, passageways, and other openings desired by first party for or in connection with its mining, removal and transportation of metals, minerals and other materials located outside the granted premises; also excepting and reserving unto the said party of the first part, its successors and assigns, an easement for the deposit on and passage over the premises hereby conveyed of smoke, fumes, gases, solid materials of every kind and nature which may be caused by the operations of the plants or properties of the party of the first part, further, the parties of the second part do expressly release the party of the first part for damages of every kind and nature caused or to be caused by the dumping of tailings, waste materials, debris of every kind or nature, or any other substances, in the Coeur d'Alene River, the South and North Fork thereof, and all its tributaries, or elsewhere; also save and except and subject to streets, easements, alleys and rights of way of every kind and nature, whether the same are of record or not; also subject to reservations of predecessors in interest.

Also, excepting and reserving unto the said party of the first part, its successors and assigns, from and out of the granted premises an easement thirty (30) feet in width on, over, across, lengthwise, and around the boundaries of the said demised premises for a road or roads of thirty (30) feet in width for all purposes of ingress and egress and for transportation and travel to, over, and along said road or roads, without the payment of any compensation therefor to the said second parties.

TO HAVE AND TO HOLD the above mentioned and described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining or belonging to the party of the first part, except the above reservations; provided, however, that should the premises cease to be used for the purpose of storage of water, chlorination or other means of purification of water, and conducting water to the premises of the parties of the second part or, should the property served

By the terms of the said deed, the water and the easement thereon, shall be used for public purposes, such as for public school purposes, then the property so conveyed hereunder shall revert to and become a part of the property and the estate of the party of the first part, its successors and assigns. and the party of the first part and its successors, shall and will WARRANT and by these presents forever DEFEND the premises in the quiet and peaceable possession of the parties of the second part, their successors and assigns, against the party of the first part, and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed by its Attorney-in-Fact the day and year first above written.

The Bunker Hill Co.
P. J. Schuck
By _____
Its Attorney-in-Fact

* * * * *

STATE OF IDAHO)
 : ss.
County of Shoshone)

On this 9th day of December, 1964, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared C. E. SCHWAB, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of THE BUNKER HILL COMPANY, and acknowledged to me that he subscribed the name of the said THE BUNKER HILL COMPANY thereto as principal, and his own name as Attorney-in-Fact.

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



Clarence Lenhart
Notary Public for the State of Idaho
Residing at Kellogg, Idaho.

State of Idaho }
County of Shoshone }

This instrument was recorded at the request of
W. L. Tuson at 2:25 P.M.
on January 7, 1965

ANNA E. BATTICK, County Recorder
Fee \$ 2.00 By Sandra Watts Deputy

Return to: W. L. Tuson
Attorney at Law
Kellogg, Idaho

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NOTICE OF LOCATION OF WATER RIGHT

Under and by virtue of the laws of the United States and of the State of Idaho, I, Paul Jacobs, a citizen over the age of 21 years do hereby locate and claim 200, two hundred, inches of water running in this gulch, to be out at this point and conveyed by ditch or flume 12 inches deep and an average of 18 inches wide will fall sufficient to answer the purpose, to a ranch known as Jackass Prarie Ranch on the south fork of the Coeur d'Alene river and to be there used for domestic and irrigation purposes. This notice is posted near the head of Jackass Gulch, in Yreka

Mining District, Shoshone County, State of Idaho.

Done this 5th day of April 1899

Paul Jacobs
Locator

Paul Jacobs being first duly sworn disposes and says that he is a citizen of the United States and a resident of the State of Idaho, and that the water right herein described is located in good faith and is designed for uses and purposes herein set forth.

Subscribes and sworn to this 5th day of April 1899.

Edwin Franklin
Justice of the Peace, Kellogg Precinct

Recorded at the request of Edwin Franklin, April 6, 1899 at 2 o'clock P. M.

Horace M. Davenport
County Recorder
by Charles W. Betts, Deputy