

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 95-8880  
Date Received: 9-21-09  
Receipt No: NP22224  
Received By: Em

RECEIVED

SEP 16 2009

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

IDWR / NORTH

1. Name of Claimant (s) Poe Asphalt Paving, Inc. Phone (208) 777-0498

Mailing Address P.O. Box 449 Lewiston ID ZIP 83501  
Street or Box City State

2. Date of Priority (Only one (1) per claim) March 18, 1994  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (X) or Other ( ) (a) \_\_\_\_\_

which is tributary to (b) \_\_\_\_\_

4. a. Location of Point of Diversion is: Township 51 N, Range 05 W, Section 30,  
SW, 1/4 of SW, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Kootenai

Parcel (PIN) no. 51N05W-30-6200

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. This is a 190 foot well which was drilled at 10 inches under drilling permit IDWR

95-94-N-50-1 (as numbered by Region from 95-94-N-0050-000). There is an 8 inch steel casing and 10 feet of stainless steel screen  
at the bottom of the well. Water is pumped for use with an electric motor servicing a submersible pump that delivers 300 plus gallons/minute.

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6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Dust Control purposes from April 15 to October 31 amount .01 or \_\_\_\_\_

For Washing Rock Product purposes from May 1 to September 30 amount .11 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .12 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Rock crushing operation: wash rock on site to eliminate rejection

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 |        |
| 51N | 05W | 30  |    |    |    |    |    |    |    |    |    |    | I  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s). 51N50W-30-6200

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 (X) 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.

\_\_\_\_\_ or None (X )

13. Remarks: Poe Asphalt Paving, Inc. owns and operates a production facility located at 2732 North Beck Road in Post Falls, Idaho. We use water from this well for dust control throughout our operation as dictated by the weather, generally from mid April through the end of October. Such use is pumped into a watering truck and hauled through the yard for use on the roads and parking areas. During production with the rock crusher, we use water to wash the product in order to eliminate rejection of different grades of material. This averages nearly 40 days per year at 50 gal./minute for 16 hour days.

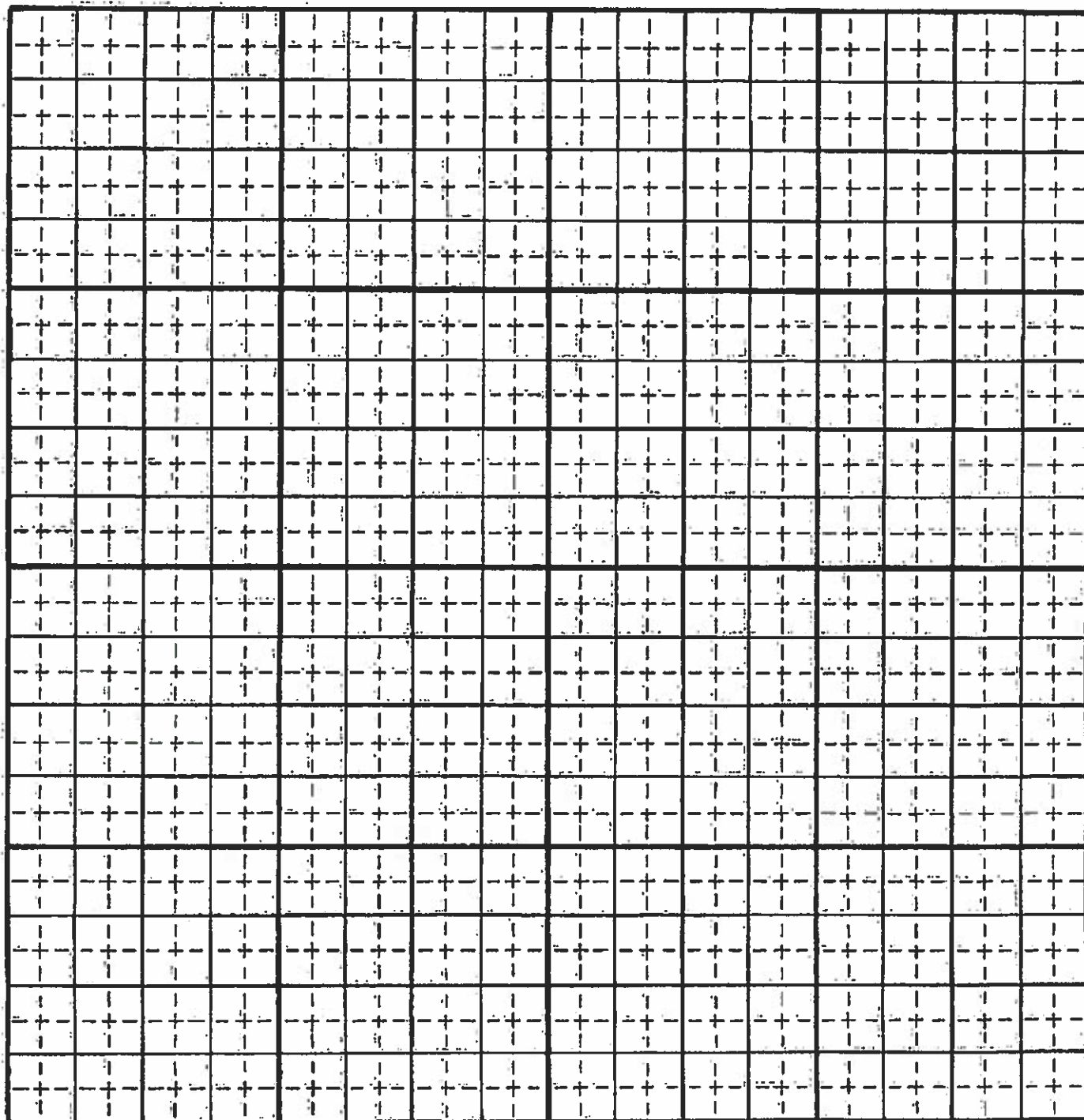
Last Name Poe Asphalt Paving, Inc. Identification No. \_\_\_\_\_

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Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile

PLEASE SEE ATTACHED



Last Name Poe Asphalt Paving, Inc. Identification No. \_\_\_\_\_

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14. Basis of Claim (Check One) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit (X) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 95-08860

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: \_\_\_\_\_

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

President \_\_\_\_\_ of Poe Asphalt Paving, Inc. \_\_\_\_\_

Title \_\_\_\_\_ Organization \_\_\_\_\_

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

President \_\_\_\_\_ of Poe Asphalt Paving, Inc. \_\_\_\_\_

Title \_\_\_\_\_ Organization \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization President, Poe Asphalt Paving, Inc. \_\_\_\_\_

16. Notice of Appearance:

Notice is hereby given that I, John C. Black/Timothy B. Fennessy, 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 John C. Black / Tim Fennessy Date 09/15/09

Address North 111 Post, Suite 300

Spokane, WA 99201

Last Name Poe Asphalt Paving, Inc. Identification No. \_\_\_\_\_

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Title Organization

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Signature of Authorized Agent Mark Poe Date 9-15-09

Title and Organization President, Poe Asphalt Paving, Inc.

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