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MAR 26 2013

Form No.42-1409-1 (Internet 3/12)

IDWR / NORTH

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

ID Number: 95-7781

Date Received: 3/26/13

Receipt No: N029698/N029965

Amount: _____ By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) City of Post Falls Phone 208-457-3372
Mailing address 408 N. Spokane St Post Falls, ID ZIP 83854
Street or Box City State
2. Date of priority (only one (1) per claim) Sept 7, 1977
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water (☒) or Other () (a) Rathdrum Prairie Aquifer
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 50N, Range 5W, Section 04,
NW 1/4 of NE 1/4, or Govt. Lot _____, B.M., County of _____
Parcel (PIN) no. _____
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, or Govt. Lot _____, B.M., County of _____
ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4 or
Govt. Lot _____, B.M., 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.
Wells- serve City of Post Falls

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6. Water is claimed for the following purposes:

(both dates are inclusive mm-dd)

(cfs)

(acre-feet)

For Municipal purposes from 01/01 to 12/31 amount .04 or _____

For Irrigation purposes from 03/15 to 11/15 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .07 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): 7,000 households

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 (e.g. 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). _____

Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? _____

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.

95-4457, 95-4458, 95-4460, 95-8048, 95-8862, 95-7436, 95-8572 or None ()

13. Remarks:

Municipal use within the boundaries of the City of Post Falls

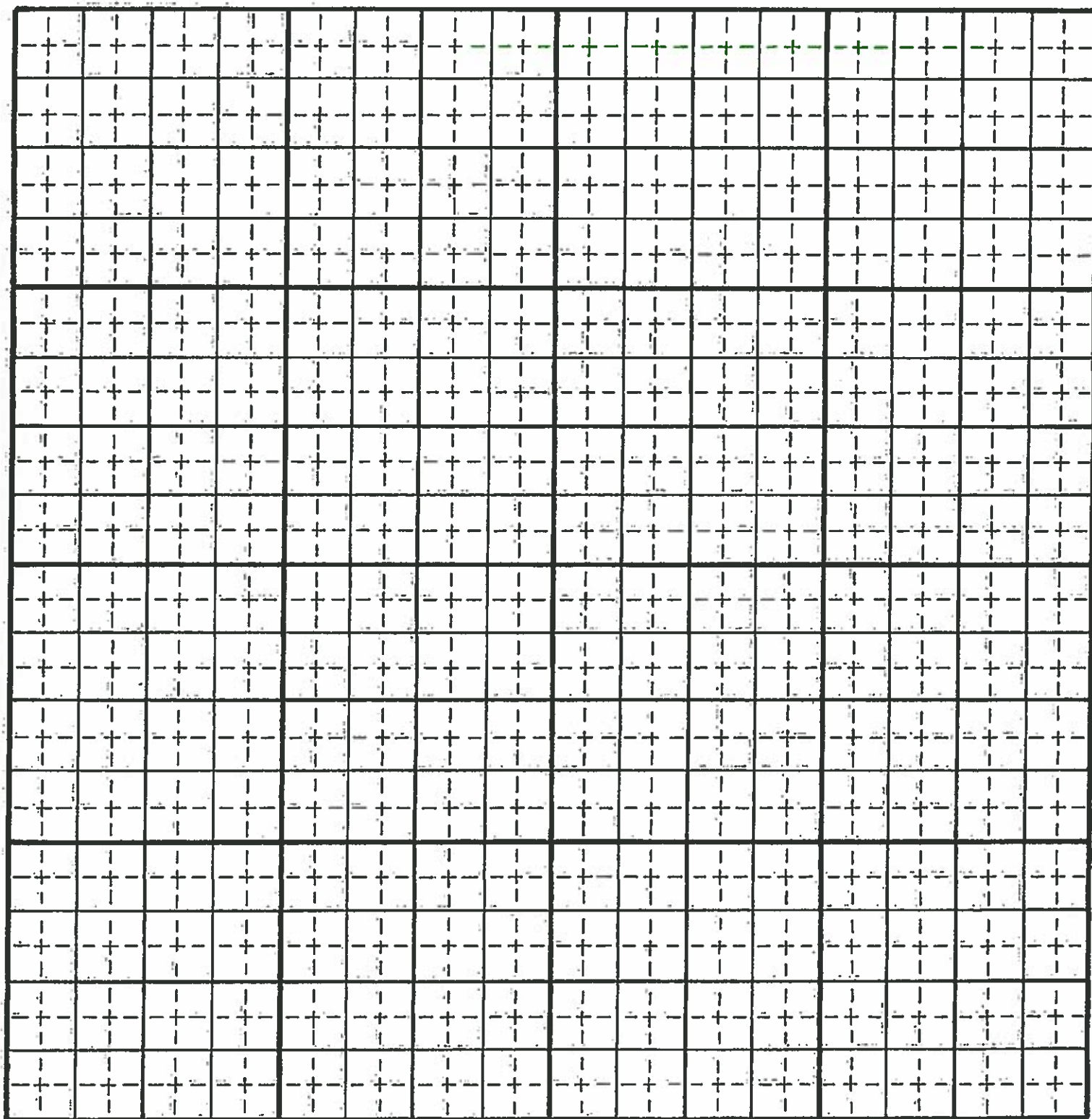
Last name City of Post Falls Identification no. 95-7781

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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



Last name City of Post Falls Identification no. 95-7781

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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 95-7781

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: 4

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) Jerry Culler Date: 21 March 2013

Date: _____

For organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Public Services Director of City of Post Falls
Title Organization

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

Public Services Director of City of Post Falls
Title Organization

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

Signature of authorized agent Jerry Culler Date 21 March 2013
Title and organization Public Services Director - City of Post Falls

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 _____ Date _____

Address _____

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Last name City of Post Falls Identification no. 95-7781

HOW YOU WILL RECEIVE NOTICES IN THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Coeur d'Alene-Spokane River Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Coeur d'Alene-Spokane River Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Coeur d'Alene-Spokane River Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Coeur d'Alene-Spokane River Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of the department; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at www.srba.state.id.us/docket.htm. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with the department will be available for inspection from all offices of the department. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. Director reports will be prepared in each administrative basin within the Coeur d'Alene-Spokane River Water System Adjudication. When the report for your basin is filed with the court, you will be mailed a notice informing you that the report for your basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

If you are acquiring property with water rights in the Coeur d'Alene-Spokane River water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

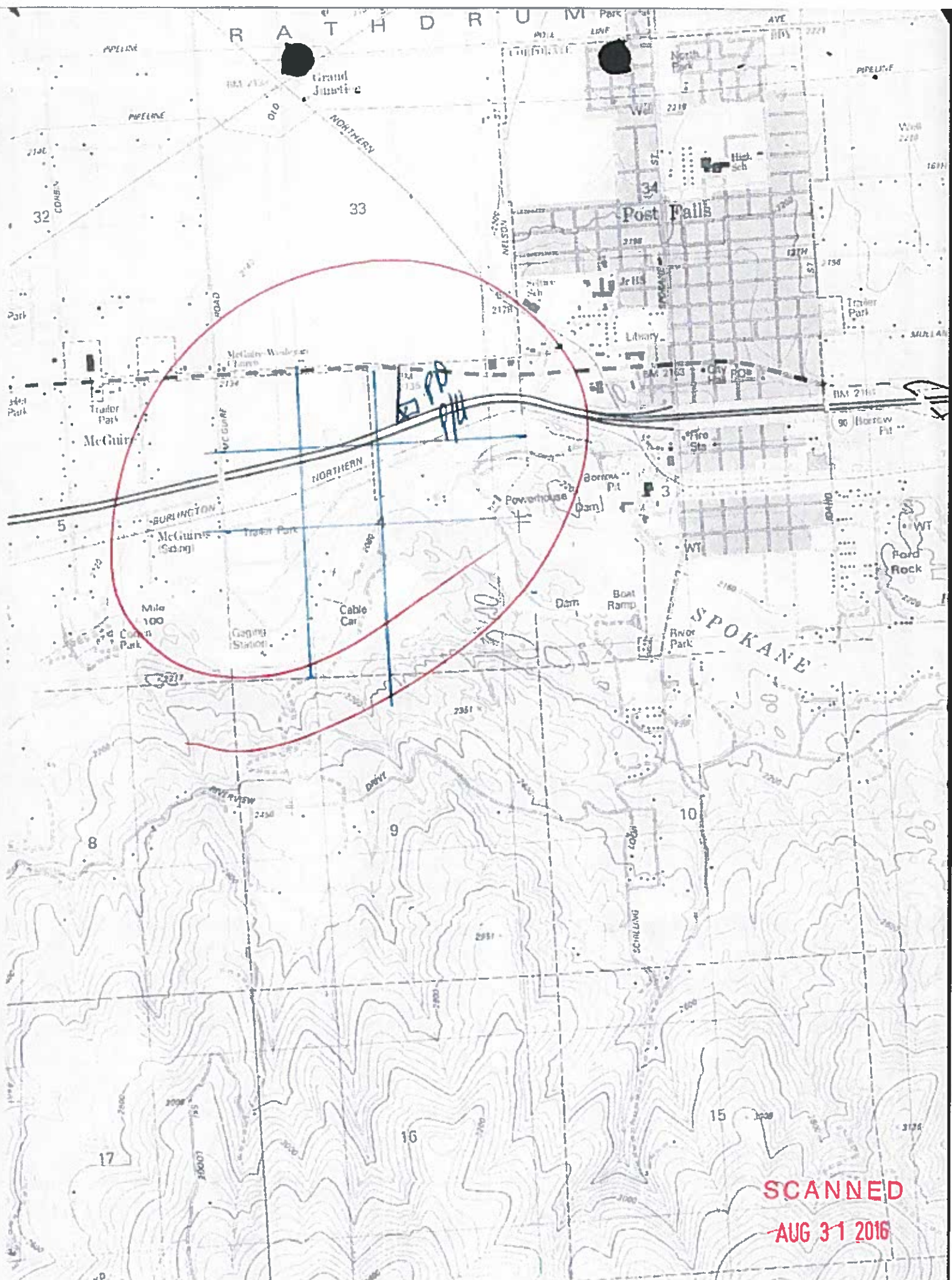
If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. You may contact IDWR regional offices or the IDWR web site www.idwr.idaho.gov for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

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Water Right
95-7781

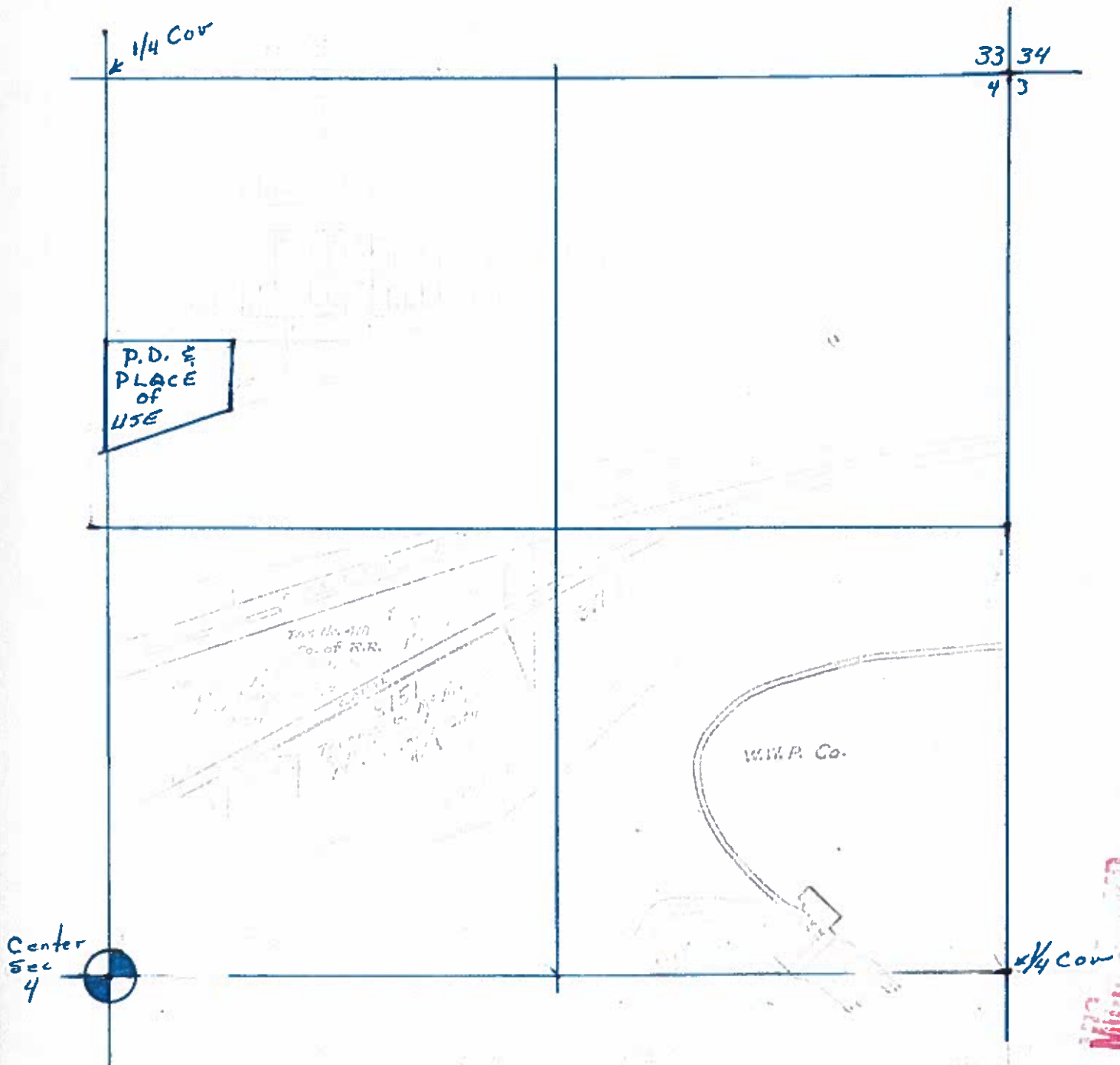
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7781 Priority September 7, 1977 Amount .07 CFS

THIS IS TO CERTIFY, that D. L. Smith
of Kellogg, ID, has complied with the terms and conditions of Permit
No. 95-7781 issued pursuant to Application for Permit dated September 7, 1977,
and has submitted proof to the Department of Water Resources on September 6, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .07 CFS of water from A Groundwater Source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov 15</u> at <u>.03</u> cfs and	<u>5.3 Acre Feet</u>	
<u>Commercial</u>	from <u>Jan 1</u> to <u>Dec 31</u> at <u>.04</u> cfs and	<u>8.3 Acre Feet</u>	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than .07 CFS of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
13.6 acre feet per-year, said waters to be diverted within the NW NE Sec. 4
Twp. 50N Rge. 5W in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NEW				NWA				SWA				SEA				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50N	5W	4																	2

Total number of acres irrigated 2

Ac. Irr. = 1.5
Commercial is an Automobile Dealership.

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