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MAR 26 2013

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE IDWR/NORTH
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: 95-8572

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 10 ZIP 83854
Street or Box City State
2. Date of priority (only one (1) per claim) April 7, 1988
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water (☒ or Other () (a) Bethelview Prairie Aquifer
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 50N, Range 05W, Section 06,
SW 1/4 of SE 1/4, or Govt. Lot _____, B.M., County of Kootenai
Parcel (PIN) no. Township 50N, Range 05W, Section 06, SE 1/4 of SE 1/4
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 the City of Post Falls

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6. Water is claimed for the following purposes: Municipal
(both dates are inclusive mm-dd) (cfs) (acre-feet)
 For Municipal purposes from 01/01 to 12/31 amount 1.16 or 922.0
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 1.16 (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	
50N	05W	6																	

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, 95-7781 or None ()
13. Remarks:

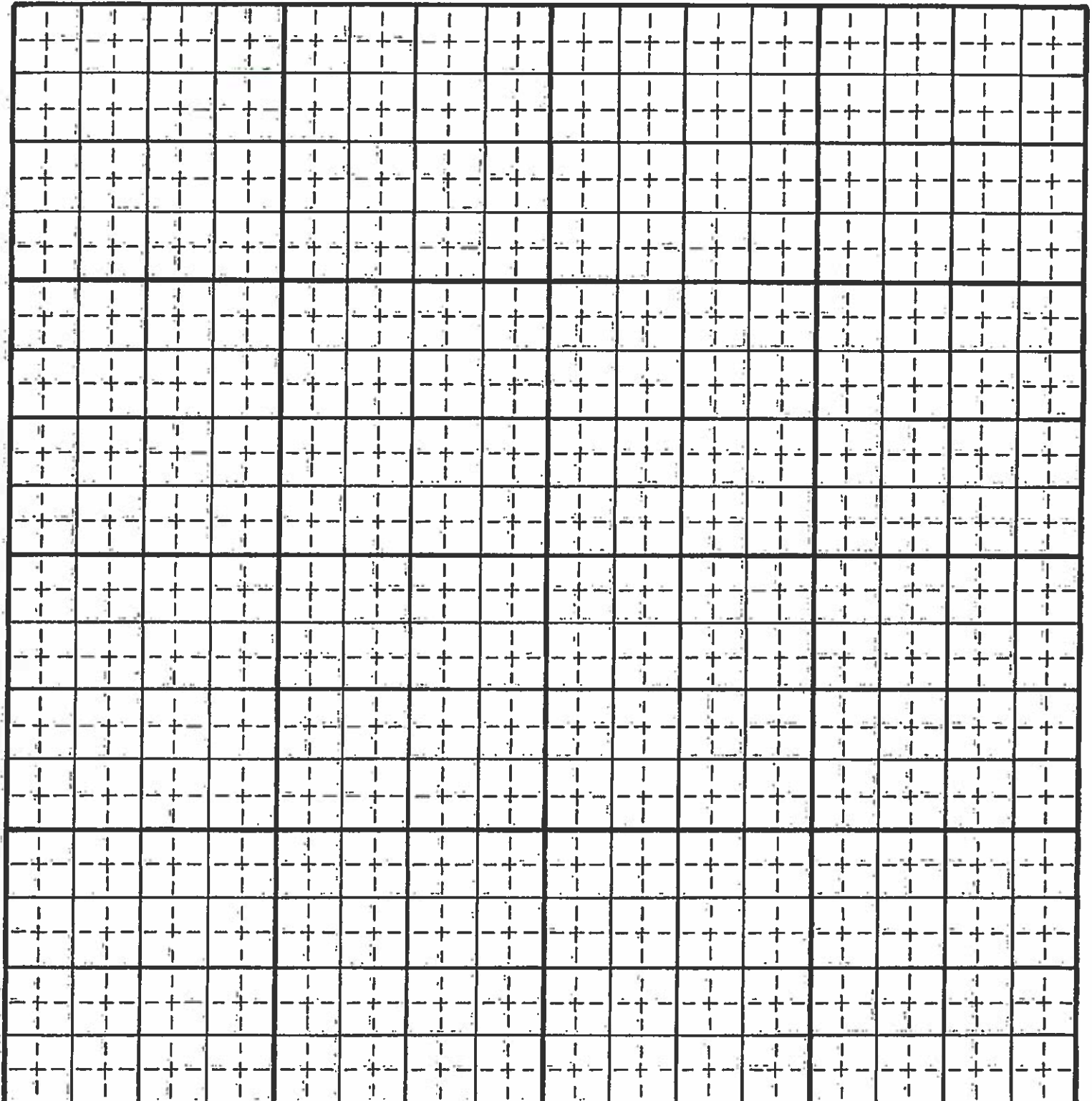
Municipal use within the boundaries of the City of Post Falls

Last name City of Post Falls Identification no. 95-8572

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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. 95-8572

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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 95-8572

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: 11

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 Culenmer 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 Culenmer 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 _____ Identification no. _____

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.

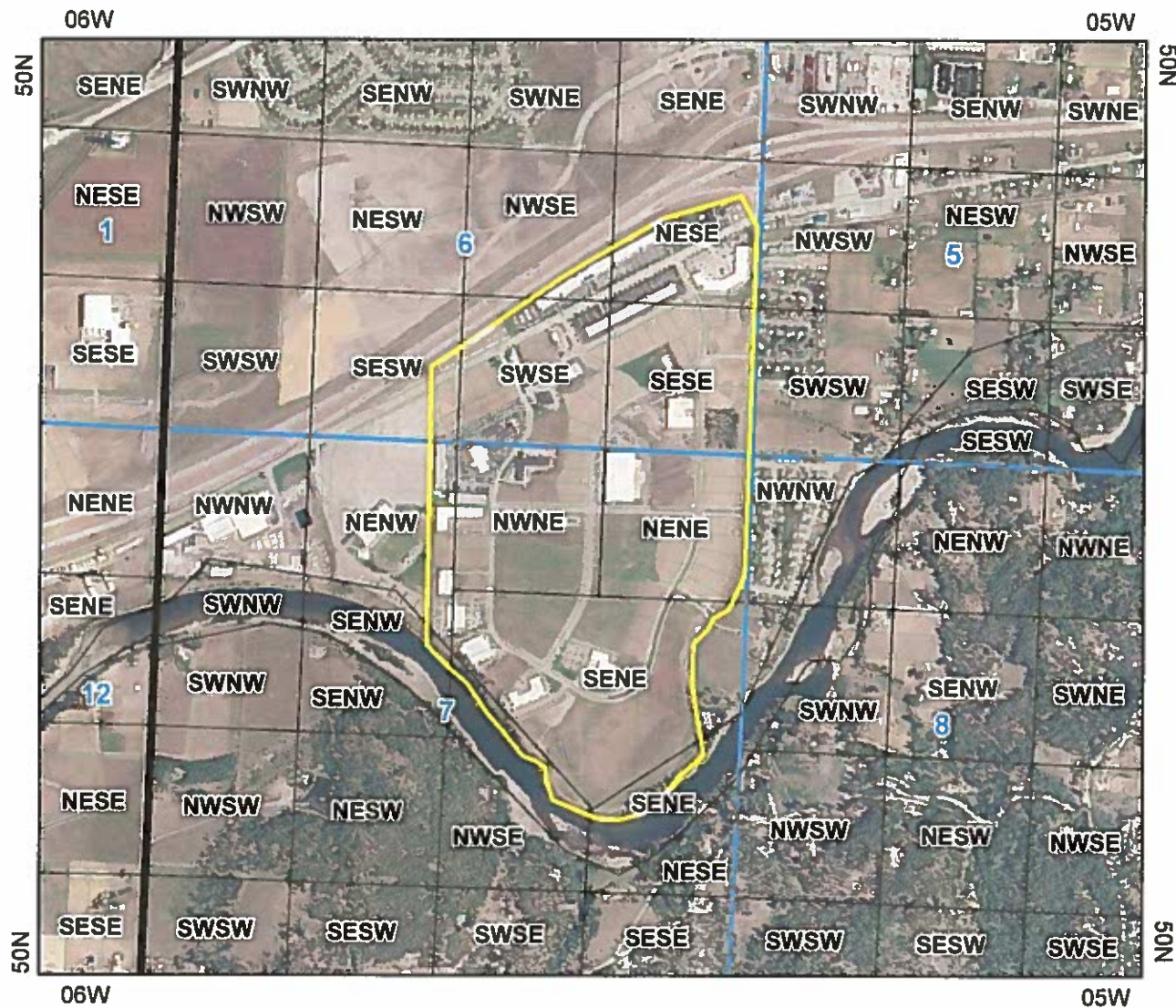
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State of Idaho
Department of Water Resources

Water Right 95-8572

MUNICIPAL

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.



-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.175 0.35 0.7 Miles

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State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2815
(208) 769-1450

RECEIVED

SEP 14 2004

**DEPARTMENT OF
WATER RESOURCES**
Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 2004

TERRY WERNER
PUBLIC WORKS SUPERINTENDENT
CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854

Re: Water Right 95-8572

Dear Mr. Werner:

This acknowledges receipt of the Notice of Change in Water Right Ownership papers for the above referenced water right, changing the ownership to you. Enclosed is receipt No. N016544, for your records.

We are forwarding the paperwork to the State Office for processing.

If you have any questions, please contact KariLynn Townsend in our State Office, at 208-327-7941.

Sincerely,

Dianne Ball
Administrative Assistant

Enc.

db

cc: IDWR State Office

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 95-08572

RECEIVED
FEB 01 2008
IDWR/North

Date of Priority: April 07, 1988

Maximum Diversion Rate: 1.16 CFS
Maximum Diversion Volume: 922.0 AF

Comes now CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 95-08572, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	1.16 CFS	922.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER KOOTENAI County	SW1/4SE1/4	Sec. 6, Twp 50N, Rge 05W, B.M.
GROUND WATER KOOTENAI County	SE1/4SE1/4	Sec. 6, Twp 50N, Rge 05W, B.M.

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 29 day of January, 2008.


(Signature)

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 95-08572

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$500 Received by do # N019220 Date 2/1/08

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 95-08572 with the following:

CONDITIONS OF APPROVAL

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2. Place of use is within the area served by the public water supply system number 1280147 of City of Post falls. The place of use is generally located within Sections 6 and 7, Township 50N, Range 5W.
3. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
5. This right does not grant any right-of-way or easement across the land of another.

Witness my hand this 4th day of February, 2008.


DAVID R. TUTHILL, JR.
Director

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-08572

Priority: April 07, 1988

Maximum Diversion Rate: 1.16 CFS
Maximum Diversion Volume: 922.0 AF

It is hereby certified that CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of
Beneficial Use on May 15, 1996. An examination indicates that the works have a diversion capacity of
1.16 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MUNICIPAL	01/01 to 12/31	1.16 CFS	922.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, Twp 50N, Rge 05W, B.M. KOOTENAI County
GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, Twp 50N, Rge 05W, B.M. KOOTENAI County

CONDITIONS OF APPROVAL

1. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2. Place of use is within the area served by the public water supply system number 1280147 of City of Post Falls. The place of use is generally located within Sections 6 and 7, Township 50N, Range 5W.
3. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
5. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 4th day of February, 2008.



DAVID R. TUTHILL, JR.
Director

SCANNED

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State of Idaho
Department of Water Resources
Water Right License

NO. 95-08572

Digital Boundary for City of Post Falls

February 5, 2008



0.4 0 0.4 0.8 Miles

-  Kootenai taxlots
-  GCDB50N05W GCDB
-  Place of use.shp
-  QQ
-  Right POD



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State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 5, 2008

CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854

RE: License No. 95-8572
Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

SCANNED

AUG 31 2016

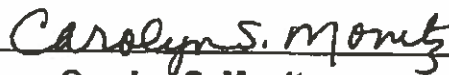
CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

95-8572

**CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854**



**Carolyn S. Monitz
Technical Records Clerk**

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[Close]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/20/2013

WATER RIGHT NO. 95-8572

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF POST FALLS 408 N SPOKANE ST POST FALLS, ID 83854 (208)777-9857
Original Owner	JACKLIN SEED CO W 5300 RIVERBEND AVE POST FALLS, ID 83854 (208)773-7581

Priority Date: 04/07/1988

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	1.16 CFS	922 AFA
Total Diversion			1.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 06	Township 50N	Range 05W	KOOTENAI County
GROUND WATER	SESE	Sec. 06	Township 50N	Range 05W	KOOTENAI County

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Licensed Diversion Capacity: 1.16

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1.	180	A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2.	128	Place of use is within the area served by the public water supply system number 1280147 of City of Post Falls. The place of use is generally located within Sections 6 and 7, Township 50N, Range 5W.
3.	174	This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
4.	102	The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
5.	004	This right does not grant any right-of-way or easement across the land of another.

Dates:

Licensed Date: 02/04/2008

Decreed Date:

Permit Proof Due Date: 5/1/1996

Permit Proof Made Date: 5/15/1996

Permit Approved Date: 4/20/1988

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

SCANNED

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Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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