

COPY

RECEIVED

SEP 15 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

Subcase 94-8407

(Insert water right number)

STANDARD FORM 3

MOTION TO FILE AMENDED NOTICE OF
CLAIM

INSTRUCTIONS

This form is used to file an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the CSRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form.

The water right number for your amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** amended Notice of Claim.

By filing a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I have read *CSRBA Administrative Order 1*, Rules of Procedure.

My name is West Shoshone Hospital District # 1

My address is 25 Jacobs Gulch Road Kellogg, ID 83837

My phone number is: work 208-784-1221 Home _____

☒ I am an attorney representing West Shoshone Hospital District #1

My name is Linda B. Jones

My address is _____
Holland & Hart LLP, 800 W. Main Street, Suite 1750, Boise, ID 83701

My phone number is 208-383-3931

☒ I must amend my Notice of Claim to the use of water in the CSRBA because:
I have found or obtained additional information to support the requested priority date and,
in working with the IDWR (including a 2015 site visit), have evidence to support the
irrigation and industrial uses. IDWR has consented to filing this Motion to Amend Claim
(See document # 9).

☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

See Attached Exhibit B

I have attached:

SECOND

- ☒ A fully completed amended Notice of Claim (available from IDWR).
The first Amended claim was filed with Movant's Standard Form 1 Objection. See Attached Exhibit A
- ☐ Any additional claim filing fee required pursuant to I.C. §42-1414(2). To
determine this amount, contact IDWR at (800) 451-4129.

I have enclosed a check payable to: State of Idaho Department of Water
Resources in the amount of \$_____.

No additional fee to file a Motion to Amend per Mr. Harrington with the Adjudication
Court. No additional fee for filing the Second Amended Claim per IDWR - fees paid by
Hospital.

INSTRUCTIONS FOR MAILING

You must mail this motion 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.

CERTIFICATE OF MAILING

I certify that on September 14, 2016, I mailed the original and copies of this motion, including all attachments, to the following persons:

1. Original to: via overnight delivery

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 each party involved in the Subcase, including the claimant, all objectors, respondents and any party granted participation. Attach a list of names and addresses.

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 the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Movant or attorney
mailing on Movant's behalf

-EXHIBIT A-
to West Shoshone Hospital
SF-3 Form

RECEIVED

AUG 25 2016

IDWR/NORTHERN

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:

Receipt No:

Received By:

SECOND 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
26 JACOBS GULCH RD
KELLOGG ID 83837

2. Date of Priority: 2/14/1956

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.	100 A.F.A.
INDUSTRIAL	01/01 12/31	0.07	
INDUSTRIAL FROM STORAGE	01/01 12/31	0.07	
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: 0.14 C.F.S. and/or 1 A.F.A.

8. Non-irrigation uses:

9. Place of use:

94-8407

11/9/2016

West Shoshone Hospital
SF-3 Exhibit A-1

SCANNED

AUG 29 2016

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
49N	03E	30	SW SE	6	IRRIGATION STORAGE	
						Section Acres

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
49N	03E	30	SW SE	6	INDUSTRIAL STORAGE	
						Section Acres

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
49N	03E	31	NE SW		IRRIGATION	0.5
			SW SW	4	IRRIGATION	0.5
			SE SW	5	IRRIGATION	1.5
						Section Acres 2.5

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
49N	03E	31	NE SW		INDUSTRIAL FROM STORAGE	
						Section Acres

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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:

The date of Order No. 12548, District Court of the First Judicial District of the State of Idaho, in and for the County of Shoshone

94-8407

11/9/2016

Description of use: Water Use

INDUSTRIAL

INDUSTRIAL FROM STORAGE

INDUSTRIAL STORAGE

IRRIGATION

IRRIGATION FROM STORAGE

IRRIGATION STORAGE

Description

Includes water for decontamination unit, non-potable water for facilities, and non-potable water for emergency use (inside and outside the hospital)

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 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):

[Signature]

Date: 8-23-16

Date: _____

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

CEO/CFO

of West Shoshone Hospital District #1

Title

Organization

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

CEO/CFO

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: 8-23-16

Title and Organization

Jerry Bronte CEO/CFO West Shoshone Hospital District #1

Please print name

-EXHIBIT B-
to West Shoshone Hospital
SF-3 Form

Exhibit B Index
Attachments to Motion to File Amended Notice of Claim (SF-3)

Legal and Factual Documentation to Support an Amendment to Water Claim

1. Order Establishing West Shoshone Hospital District (recorded 9/13/1954).
2. Final Order of Water Right Condemnation 9/10/1956 (signed and filed version together with full length version from County records). The Court records cut the pages short – they do not have a full length record.
3. Photo of West Shoshone Hospital showing irrigated landscaping (undated). This is the Hospital that was constructed in about 1956 or so. It was torn down after the new (current) Hospital was built. The current Hospital still uses the water for industrial and irrigation.
4. Affidavits of Michael Peacock, Jerry Cobb, and Gary More.
5. City of Kellogg letter from Mayor Mac Pooler dated August 3, 2016.
6. School District's Claim to Water Right (11/3/2015), listing use of water by Hospital in 1956.
7. Reservoir/Pipe Volume Calculation (on Kellogg Joint Judicial District 391 letterhead).
8. Memo from Linda Werner to Claim File dated 11/4/2015, documenting irrigation use by site visit.
9. E-mail from Linda Werner, IDWR, dated Sept. 13, 2016, consenting to filing the Second Amended Claim following our discussions and review of additional evidence.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SHOSHONE, STATE OF IDAHO

In the Matter of the Petition for
the Organization of the West Shoshone
Hospital District

ORDER ESTABLISHING WEST
SHOSHONE HOSPITAL DISTRICT

The Board of County Commissioners of Shoshone County, Idaho, having met in regular session on Tuesday the 7th day of September, 1954, at which time the Clerk of said Board of Commissioners presented to the Board the certification by the Judges of Election of the official results of the election held on the 31st day of August, 1954, under the provisions of Title 39, Chapter 13, Idaho Code, at which election the voters within the proposed boundaries of the West Shoshone Hospital District voted upon the question as to whether or not West Shoshone Hospital District should be organized within Shoshone County, Idaho. The Board of County Commissioners then proceeded to canvass the votes cast at such election and upon such canvass it was found that of the duly qualified voters actually voting in said election, a total of 1108 votes were cast in favor of the organization of such district, and a total of 123 votes were cast against the organization of such district.

It appearing to the said Board of Commissioners that more than one-half (1/2) of the votes cast by the qualified voters residing within the proposed West Shoshone County Hospital District were in favor of the organization of such hospital district and that pursuant to the provisions of Title 39, Chapter 13, Idaho Code, it is within the jurisdiction of the Board of County Commissioners to organize such district and is, in fact, required that such district be duly organized pursuant to law.

NOW, THEREFORE, IT IS HEREBY ORDERED that the territory contained within the following described boundaries which are hereby established, to-wit:

Commencing at the intersection of the westerly boundary line of Shoshone County and the South boundary line of Township Forty-seven (47) North, Range One (1) East, Boise Meridian; thence in an Easterly direction along the boundary line between Townships Forty-six (46) and Forty-seven (47) North, to the Southwest Corner of Section Thirty-five (35) Township Forty-seven (47) North, Range Three (3) East, Boise Meridian; thence in a Northerly direction along the section lines to the Northwest Corner of Section Two (2), Township Fifty-two (52) North, Range Three (3) East, Boise Meridian; thence in an Easterly direction on the Township line between Townships Fifty-two (52) North, and Fifty-three (53) North, to the Eastern boundary of Shoshone County, State of Idaho; thence in a Northwesterly direction along the Northerly and Easterly boundary of Shoshone County to the Westerly boundary of Shoshone County; thence in a Southerly direction along the Westerly boundary of Shoshone County, Idaho, to the place of beginning.

be, and the same is hereby duly declared to be organized as a hospital district under the name of "WEST SHOSHONE HOSPITAL DISTRICT".

IT IS FURTHER ORDERED that the Clerk of the Board of County Commissioners of Shoshone County, Idaho, certify a copy of this order to immediately be filed for record in the office of the County Recorder of Shoshone County, Idaho, and to transmit a copy, duly certified by such Clerk, to the Governor of the State of Idaho.

Dated at Wallace, Idaho, this 7th day of September, 1954.

BOARD OF COUNTY COMMISSIONERS
OF SHOSHONE COUNTY, IDAHO

C M Shiplett
Chairman

Vincent Alexander

Ray C Dunkle

ATTEST:

Anna K Battick
Clerk

RECORDED at the request of Shoshone County September 13, 1954 at 9:20 o'clock A. M.

West Shoshone Hospital
SF-3 Exhibit B-1

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See
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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF SHOSHONE

WEST SHOSHONE HOSPITAL DISTRICT
NO. 1, a municipal corporation
of the State of Idaho,

Plaintiff

Vs.

JOINT CLASS "A" SCHOOL DISTRICT
NO. 391, Shoshone and Kootenai
Counties, State of Idaho,

Defendant

No. 12548

FINAL ORDER OF CONDEMNATION
AND DECREE

ENTERED, DOCKETED AND FILED
SEP 10 1956

James G. Towles
Clerk District Court

This matter having come regularly on for hearing before the above entitled Court this 10th day of September, 1956, on motion of the Plaintiff in the above entitled matter, the Plaintiff appearing by James G. Towles, its attorney, and the Defendant appearing by John J. Peacock, of the firm of Brown and Peacock, its attorneys,

It appearing to this Court, and the Court now finds that on the 14th day of February, 1956, this Court made and gave its preliminary Order of Condemnation in the above entitled proceeding wherein and whereby it was found and determined that the allegations of Plaintiff's Amended Complaint, as amended, are true, and that the Plaintiff was engaged in a public use, and that the taking of the property hereinafter described, and as described in Plaintiff's Amended Complaint, as amended, including the water facilities therein, was necessary to such public use, and that the use to which Plaintiff intended to apply said property and its interest in the water system hereinafter described for the purposes of a general public hospital was a more necessary public use than that to which the property was presently being applied by the Defendant School District,

And it further appearing to the Court, and the Court now finds, that, subsequent to the entry of such preliminary Order of Condemnation, and on the 3rd day of July, 1956, on petition of the Plaintiff, and under the provisions

1 the damages occasioned to the Defendant, and said Appraisers and Commissioners
2 thereafter fully filed their Report to the Court assessing and appraising the
3 damages occasioned to the Defendant for such taking, and, within thirty (30)
4 days thereafter, the Plaintiff has deposited with the Clerk of this Court
5 the sum of money so found by said Commissioners, to-wit, the amount of
6 \$28,257.98.

7 And it further appearing to this Court, and the Court so finds and
8 decides, that Defendant has elected to accept the findings of said Commissioners
9 as to the damages occasioned to it for such taking, and has accepted and
10 received payment for such damages from the Clerk of this Court on the 10th
11 day of September, 1956,

12 And it further appearing to the Court, and the Court so finds and
13 decides, that said Plaintiff has made all payments that are required by law
14 or by the Order or Orders of this Court, and that this is not a case where
15 any bond for the building of fences, cattle guards, or other protective
16 structures is necessary or need be given, and all and singular the laws and
17 the premises being by the Court understood and fully considered,

18 IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED, That the parcel of
19 land and water rights hereinafter described, as follows, to-wit:

20 ~ Being a tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of
21 Section Thirty-one (31), Township Forty-nine (49) North, Range
22 Three (3) East of the Boise Meridian, and being more particularly
described as follows:

23 Beginning at Corner No. 1, from whence the South Quarter Section
24 Corner of said Section bears S 0° 05' E, 601.00 ft. distant; thence
N 76° 38' W, 1119.42 ft. distant, to Corner No. 2; thence S 34° 39' W,
25 84.12 ft. distant, to Corner No. 3; thence N 54° 58' W, 400.00 ft.
distant, to Corner No. 4; thence N 29° 42' E, 818.00 ft. distant,
26 to Corner No. 5; thence S 70° 22' E, 1123.36 ft. distant, to Corner
No. 6; thence S 0° 05' E, 752.29 ft. distant, to Corner No. 1, the
place of beginning.

27 Excepting therefrom an easement for sidewalk purposes ten feet (10')
28 in width along the old ditch line on the West slope of the hill on
the East side of Jacob's Gulch extending to Riverside Avenue as
29 projected.

30 A. An undivided one-half interest in and to the water flowing in
Jacob's Gulch and collected in the impounding reservoir and impound-
31 ing area described as follows, together with the impounding facilities
situated therein:

1 Thirty (30), Township Forty-nine (49) North, Range Three (3)
2 East of the Boise Meridian, and being more particularly des-
cribed as follows:

3 Beginning at a point on line between Corner No. 1 and Corner
4 No. 4, from whence the South Quarter Corner of said Section
5 bears S 30° 31' W, 1360.00 ft. distant; thence N 59° 29' W,
6 40.00 ft. distant to Corner No. 1; thence N 40° E, 170.00 ft.
7 distant to Corner No. 2; thence S 59° 29' E, 130.00 ft. distant to
8 Corner No. 3; thence N 59° 29' W, 90.00 Ft. distant to the
9 point first described above, and 130.00 ft. distant to Corner
10 No. 1.

11 An undivided one-half interest in the Easement from the Bunker
12 Hill and Sullivan Mining and Concentrating Company to Defendant,
13 as follows:

14 B. Easement from Bunker Hill and Sullivan Mining and
15 Concentrating Company to Defendant.

16 Being an easement for a water pipe line and servicing access
17 road across the following described tract of land lying in the
18 Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township Forty-
19 nine (49) North, Range Three (3) East of the Boise Meridian:

20 Beginning at Corner No. 1, identical with the South Quarter
21 Section Corner of said Section Thirty (30); thence N 30° 31' E,
22 1360.00 ft. distant, to Corner No. 2; thence S 59° 29' E, 100.00
23 ft. distant, to Corner No. 3; thence S 30° 31' W, 1301.10 ft.
24 distant to Corner No. 4; thence West 116.26 ft. distant, to
25 Corner No. 1, the place of beginning.

26 An undivided one-half interest in and to the Pipe Line Easement
27 from the United States Government to the Defendant, as follows:

28 C. Pipe line easement from United States Government to Defendant:

29 Being a water pipe line easement across the Northeast Quarter of
30 the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the
31 Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-one (31), Township
Forty-nine (49) North, Range Three (3) East of the Boise Meridian.
This easement is for a twenty-foot width, lying ten feet on
either side of the center line which is more particularly des-
cribed as follows:

Beginning at a point from whence the Quarter Section Corner
between Sections Thirty-(30) and Thirty-one (31), T 49 N,
R 3 E., B. M. bears West 43.55 ft. distant; thence S 34° 30'
50" W, 64.29 ft. to a point; thence S 18° 48' W, 426.65 ft.
to a point; thence S 11° 31' 20" W, 257.54 ft. to a point;
thence S 16° 35' 30" W, 322.31 ft. to a point; thence S 15°
41' 40" W, 308.94 ft. to a point.

An undivided one-half interest in and to the pipe line situated
on Defendant's property, as follows:

D. Pipe line situated on Defendant's property.

A water pipe line across the Southeast Quarter of the Northwest
Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest
Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section Thirty-one (31), Township
Forty-nine (49) North, Range Three (3) East of the Boise Meridian

Beginning at a point from which the North Quarter Section Corner of Sec. 31, T 49 N, R 3 E., B. M. bears N 15° 12' E, 1363.22 ft. distant; thence S 15° 41' 40" W, 173.81 ft. distant to a point; thence S 26° 30' 10" W, 291.62 ft. distant to a point; thence S 21° 08' 30" W, 101.89 ft. distant to a point; thence S 10° 33' 50" W, 111.49 ft. distant to a point; thence S 15° 32' W, 290 ft. distant to a point; thence S 20° 08' W, 360 ft. distant to a point identified as a fire hydrant located on the 8-inch water pipe line.

E. An undivided one-half interest in and to the pipe line facilities over and across the property hereinbefore described;

F. An easement over and across the following described property belonging to Defendant from the South end of Defendant's pipe line to the property herein condemned by Plaintiff, said easement more particularly described as follows, to-wit:

Being an easement for a water pipe line across a portion of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-one (31), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian. 10 feet wide and lying five feet on either side of a center line, which is more particularly described as follows:

Beginning at a point identical with a fire hydrant located on the 8-inch water line, from whence the North Quarter Section Corner of said Sec. 31 bears N 16° 58' E, 2765.50 ft. distant; thence S 20° 03' W, 1220 ft. distant to a point; thence S 58° 20' E, 100 ft. to a point,

is hereby taken and condemned for the use and purpose described and set forth in Plaintiff's Amended Complaint, as amended, that is to say, to and for the use of Plaintiff West Shoshone Hospital District No. 1, a municipal corporation of the State of Idaho, for a permanent public general hospital building and facilities necessary for and in the operation of the duties imposed upon said District by the laws of the State of Idaho, and to enable Plaintiff to construct and maintain such general hospital facilities for the use of all the people within the boundaries of said West Shoshone Hospital District No. 1.

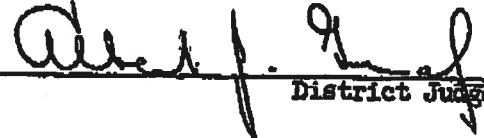
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That a copy of this Order and Judgment be filed in the Office of the Recorder of the County of Shoshone, State of Idaho, and thereupon the property hereinbefore described and the title thereto shall vest in the Plaintiff in fee simple absolute.

IT IS FURTHER ORDERED, That Plaintiff pay the costs and fees of the

1 of Fifty and no/100 (\$50.00) Dollars for each of such Commissioners, and
2 that neither party be awarded costs of suit in this proceeding.

3 DONE IN OPEN COURT, At Wallace, Idaho, this 10th day of September,
4 1956.

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6 District Judge
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STYLE OF CASE			CAUSE OF ACTION	PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY	
12548						
No. of Case				James H. Towles		
West Shoshone Hospital, Inc., a municipal corp. of the State of Idaho						
Plaintiff						
JAMES CLARK "R" SCHROEDER			Condemnation	By J. J. P. P. P.		
No. 321, Shoshone & Postonville Counties, State of Idaho						
Defendant						
Days of Filing			PLAINTIFF'S COST			
Month	Day	Year	Dr.	Cr.	Dr.	Cr.
NOV	8	1955				
NOV	14	1955			1500.00	
NOV	15	1955				
JAN	10	1956				
JAN	12	1956				
JAN	20	1956				
FEB	1	1956				500.00
FEB	1	1956				
FEB	1	1956				
FEB	1	1956				
FEB	9	1956				
FEB	8	1956				
FEB	14	1956				
JUN	23	1956				
JUN	23	1956				
JUL	3	1956				
JUL	13	1956				
AUG	7	1956				
AUG	7	1956				
AUG	7	1956				
SEP	10	1956				
SEP	10	1956				
SEP	10	1956				
SEP	10	1956				
SEP	13	1956				

Reg. Index and File Complaint
Issue Summons
File Return Condemnation (on 11/14/55)
File Amended Complaint
File Return on Amended Complaint (1/10/56)
File Stipulation to Amended Complaint
File Order
File Amendment to Amended Complaint
Issue Another Summons
File Answer to Amended Complaint
File CJM Book v. page 242
Enter, docket & file Order
File Petition for Appointment of Appraisers
File Notice of motion
File Order appointing commissioners to appraise damages
File CJM Book v. page 225 (appraisers)
File Oath of Commissioners
File Notice of Meeting of Commissioners
File Report of Commissioners
Enter, docket & file Order approving report of Commissioners
File Application for Order
File Order
File Receipt & Abandonment of Defendant
Enter, docket & file Final decree & Order of Condemnation
File make Judgment Roll
File Statement of Appraisers

24257.98
X

Book 91, Page 370, case No. 12548

legal description of property

(Shoshone County - Idaho)

INSTRUMENT NUMBER 168831

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF SHOSHONEWEST SHOSHONE HOSPITAL DISTRICT
NOT a municipal corporation
of the State of Idaho

No. 12518

JUDICIAL ORDER OF CONDEMNATION
AND DECREEJOINT CLASS HALL SCHOOL DISTRICT
No. 291, Shoshone and Kootenai
Counties, State of Idaho,

Defendant

This matter having come regularly on for hearing before the above entitled Court this 10th day of September, 1956, on motion of the Plaintiff in the above entitled matter, the Plaintiff appearing by James G. Towles, its attorney, and the Defendant appearing by John J. Peacock, on the firm of Brown and Peacock, its attorneys, it appearing to this Court, and the Court now finds that on the 14th day of February, 1956, this Court made and gave its preliminary Order of Condemnation in the above entitled proceeding wherein and whereby it was found and determined that the allegations of Plaintiff's Amended Complaint, as amended, are true, and that the Plaintiff was engaged in a public use, and that the taking of the property hereinafter described, and as described in Plaintiff's Amended Complaint, as amended, including the water facilities therein, was necessary to such public use, and that the use to which Plaintiff intended to apply said property and its interest in the water system hereinafter described for the purposes of a general public hospital was a more necessary public use than that to which the property was presently being applied by the Defendant School District.

And it further appearing to the Court, and the Court now finds, that, subsequent to the entry of such preliminary Order of Condemnation, and on the 3rd day of July, 1956, on petition of the Plaintiff, and under the provisions of Idaho Code, Section 7-717, this Court appointed Commissioners to appraise the damages occasioned to the Defendant, and said Appraisers and Commissioners thereafter duly filed their Report to the Court assessing and appraising the damages occasioned to the Defendant for such taking, and, within thirty (30) days thereafter, the Plaintiff has deposited with the Clerk of this Court the sum of money so found by said Commissioners, to-wit, the amount of \$28257.98.

And it further appearing to this Court, and the Court so finds and decides, that Defendant has elected to accept the findings of said Commissioners as to the damages occasioned to it for such taking, and has accepted and received payment for such damages from the Clerk of this Court on the 10th day of September, 1956.

And it further appearing to the Court, and the Court so finds and decides, that said Plaintiff has made all payments that are required by law or by the Order or Orders of this Court, and that this is not a case where any bond for the building of fences, cattle guards, or other protective structures is necessary or need be given, and all and singular the laws and the premises being by the Court understood and fully considered.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED, That the parcel of land and water rights hereinafter described, as follows, to-wit:

Being a tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian, and being more particularly described as follows:

Beginning at Corner No. 1, from whence the South Quarter Section Corner of said Section bears S 0° 05' E, 601.00 ft. distant; thence N 76° 38' W, 1119.42 ft. distant, to Corner No. 2; thence S 34° 39' W, 84.12 ft. distant, to Corner No. 3; thence N 54° 58' W, 400.00 ft. distant, to Corner No. 4; thence N 29° 42' E, 818.00 ft. distant, to Corner No. 5; thence S 70° 22' E, 1123.36 ft. distant, to Corner No. 6; thence S 0° 05' E, 72.29 ft. distant, to Corner No. 1, the place of beginning.

Excepting therefrom an easement for sidewalk purposes ten feet (10') in width along the old ditch line on the West slope of the hill on the East side of Jacob's Gulch extending to Riverside Avenue as projected.

A. An undivided one-half interest in and to the water flowing in Jacob's Gulch and collected in the impounding reservoir and impounding area described as follows, together with the impounding facilities situated therein:

Being a tract of land lying in the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian, and being more particularly described as follows:

Beginning at a point on line between Corner No. 1 and Corner No. 4, from whence the South Quarter Corner of said Section bears S 30° 31' W, 1360.00 ft. distant; thence N 59° 29' W, 40.00 ft. distant to Corner No. 1; thence N 40° E, 170.00 ft. distant to Corner No. 2; thence S 59° 29' E, 130.00 ft. distant to Corner No. 3; thence N 59° 29' W, 90.00 ft. distant to the point first described above, and 130.00 ft. distant to Corner No. 1.

An undivided one-half interest in the Easement from the Bunker Hill and Sullivan Mining and Concentrating Company to Defendant, as follows:

Being an easement for a water pipe line and servicing access road across the following described tract of land lying in the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian: Beginning at Corner No. 1, identical with the South Quarter Section Corner of said Section Thirty (30); thence N 30° 31' E, 1360.00 ft. distant, to Corner No. 2; thence S 59° 29' E, 100.00 ft. distant, to Corner No. 3; thence S 30° 31' W, 1301.10 ft. distant, to Corner No. 4; thence West 116.26 ft. distant, to Corner No. 1, the place of beginning.

An undivided one-half interest in and to the Pipe Line Easement from the United States Government to the Defendant, as follows:

C. Pipe line easement from United States Government to Defendant:

Being a water pipe line easement across the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-one (31), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian. This easement is for a twenty-foot width, lying ten feet on either side of the center line which is more particularly described as follows:

Beginning at a point from whence the Quarter Section Corner between Sections Thirty (30) and Thirty-one (31), T 49 N, R 3 E., B. M. bears West 43.55 ft. distant; thence S 34° 30' 50" W, 64.29 ft. to a point; thence S 18° 48' W, 426.65 ft. to a point; thence S 11° 31' 20" W, 257.54 ft. to a point; thence S 16° 35' 30" W, 322.31 ft. to a point; thence S 15° 41' 40" W, 308.94 ft. to a point.

An undivided one-half interest in and to the pipe line situated on Defendant's property, as follows:

D. Pipe line situated on Defendant's property.

A water pipe line across the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section Thirty-one (31), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian, the center line of which is more particularly described as follows:

Beginning at a point from which the North Quarter Section Corner of Sec. 31, T 49 N, R 3 E., B. M. bears N 15° 12' E, 1363.22 ft. distant; thence S 15° 41' 40" W, 173.81 ft. distant to a point; thence S 26° 30' 10" W, 291.62 ft. distant to a point; thence S. 21° 08' 30" W, 101.89 ft. distant to a point; thence S 10° 33' 50" W, 111.49 ft. distant to a point; thence S 15° 32' W, 290 ft. distant to a point; thence S 20° 08' W, 360 ft. distant to a point identified as a fire hydrant located on the 8-inch water pipe line.

E. An undivided one-half interest in and to the pipe line facilities over and across the property hereinbefore described;

F. An easement over and across the following described property belonging to Defendant from the South end of Defendant's pipe line to the property herein condemned by Plaintiff, said easement more particularly described as follows, to-wit:

Being an easement for a water pipe line across a portion of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-one (31), Township Forty-nine (49) North, Range Three (3) East of the Boise Meridian, 10 feet wide and lying five feet on either side of a center line, which is more particularly described as follows:

Beginning at a point identical with a fire hydrant located on the 8-inch water line, from whence the North Quarter Section Corner of said Sec. 31 bears N 16° 58' E, 2765.50 ft. distant; thence S 20° 03' W, 1220 ft. distant to a point; thence S 58° 20' E, 100 ft. to a point,

is hereby taken and condemned for the use and purpose described and set forth in Plaintiff's Amended Complaint, as amended, that is to say, to and for the use of Plaintiff West Shoshone Hospital District No. 1, a municipal corporation of the State of Idaho, for a permanent public general hospital building and facilities necessary for and in the operation of the duties imposed upon said District by the laws of the State of Idaho, and to enable Plaintiff to construct and maintain such general hospital facilities for the use of all the people within the boundaries of said West Shoshone Hospital District No. 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That said use is a public use and a use authorized by law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That a copy of this Order and Judgment be filed in the Office of the Recorder of the County of Shoshone, State of Idaho, and thereupon the property hereinbefore described and the title thereto shall vest in the Plaintiff in fee simple absolute.

IT IS FURTHER ORDERED, That Plaintiff pay the costs and fees of the Commissioners appointed by this Court to appraise the damages in the amount of Fifty and no/100 (\$50.00) Dollars for each of such Commissioners, and that neither party be awarded costs of suit in this proceeding.

DONE IN OPEN COURT, At Wallace, Idaho, this 10th day of September, 1956.

s/ Albert J. Graf
District Judge

West Shoshone Hospital
CE 2 Exhibit R-10



West Shoshone Hospital
SF-3 Exhibit B-12

AFFIDAVIT OF MICHEAL PEACOCK**STATE OF IDAHO**

)

) ss:

COUNTY OF SHOSHONE

)

I, Mike Peacock, being first duly sworn upon oath, hereby depose and state as follows:

1. I am 67 years old and lived in Shoshone County, Idaho roughly 67 years, since 1948. I am of sound mind and am personally acquainted with the matters described in this statement.

2. I am personally familiar with the Kellogg area. I was board member of Shoshone Medical Center since 1982 and have worked in the County since 1978 as an attorney.

3. I am familiar with the Shoshone Medical Center property located in Kellogg, Shoshone County, Idaho. I recall the landscaped and maintained areas surrounding the Medical Center being irrigated, and kept green and neat utilizing the water from the reservoir coming from Jackass Creek during the time I was member of the board for Shoshone Medical Center and prior to that time. Prior tot the time and during the time I was on the board I walked along the creek and looked at the various improvements put there by the hospital district. This is the same system that was then transitioned to the grounds for the new hospital located at 25 Jacobs Gulch.

4. During all this time, to the best of my knowledge, the yard has been irrigated by a sprinkler system using water from the reservoir. The reservoir consists of a small pond dammed by a concrete wall, with an overflow that feeds Jackass Creek, and a gate and pipe providing a water source for Shoshone Medical Center and Kellogg High School. The main line begins at the reservoir and ends at a vault located at the Medical Center property. At one time, a chlorinator was placed between the reservoir and the vault for drinking water purposes feeding the Medical Center, but has since been bypassed. The main line consists of a direct pipe run directly from the dam to the vault, including distribution legs to Kellogg High School. After distribution to Kellogg High School, the main line continues ending with a connection to a vault. The vault contains a main valve, which controls the 3 distribution legs supplying Shoshone Medical Center. The 3 distribution legs consist of today's hospital's utilization for Decontamination, Non-Potable Water, and Irrigation. Each of the distribution legs have been active prior to 2004 when the new hospital was constructed. Decontamination water supply serves as the only water supply to a contained unit used in conjunction and typically associated with a medical surge, and/or

emergent event. Non-potable water source is utilized as part of our disaster response plans, and is piped into the mechanical room, along with one fire hydrant located on the East side of the building. Irrigation is used to irrigate the hospitals grounds and landscaping.

5. I am not exactly sure of the dates and how modifications were made from the time the original hospital was built to the transition of the new hospital. But at some point there was modification of the distribution lines. As described in the beginning, there is one single line that runs from the reservoir to the vault located at the hospital. When the new hospital was built in 2004-2005, the location of the new hospital was placed just South of the original hospital, which required some modification of the distribution lines during construction of the new hospital. AH of the distribution lines and services have since been upgraded to today's standards. However, none of the water supplied is utilized for drinking water. All of these modifications have been in place since construction of the new hospital 2004-2005.

6. I have voluntarily provided this statement. I have reviewed this statement and have made all changes and corrections that I feel are necessary. This statement accurately reflects my knowledge, recollection, and understanding about the Shoshone Hospital/Shoshone Medical Center property.

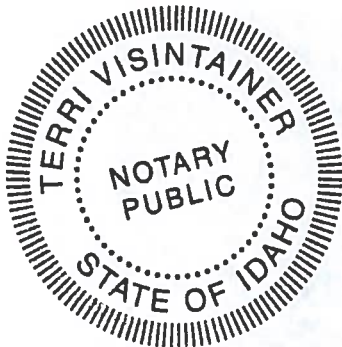
I understand that I am signing this affidavit under oath before a notary public. I swear under penalty of perjury that this statement is true and correct to the best of my knowledge and belief.

FURTHER THE AFFIANT SAITH NAUGHT

Dated this 27 day of July, 2016.

[Signature]

Subscribed and sworn to before me this 27 day of July, 2016.



Terri Visintainer
Notary Public for Idaho
Residing at: *Silverton*
My commission Expires: *6/11/2020*

depose and state as

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AFFIDAVIT OF GARY MOORE

STATE OF IDAHO

)

) SS:

COUNTY OF SHOSHONE

)

I, Gary Moore, being first duly sworn upon oath, hereby depose and state as follows:

1. I am 67 years old and lived in Shoshone County, Idaho roughly 7 years, since 1999 until 2006. I am of sound mind and am personally acquainted with the matters described in this statement.

2. I am personally familiar with the Kellogg area. I worked at Shoshone Medical Center as the Chief Executive Officer from 1999 until 2006 and am current employed by the Department of health and Welfare as Division Administrator for Family and Community Services.

3. I am familiar with the Shoshone Medical Center property located in Kellogg, Shoshone County, Idaho. I recall the landscaped and maintained areas surrounding the Medical Center being irrigated, and kept green and neat utilizing the water from the reservoir coming from Jackass Creek during the time I was CEO for the hospital. This is the same system that was then transitioned to the grounds for the new hospital located at 25 Jacobs Gulch.

4. During all of the time I worked at the Medical Center the yard has been irrigated by a sprinkler system using water from the reservoir. The reservoir consists of a small pond dammed by a concrete wall, with an overflow that feeds Jackass Creek, and a gate and pipe providing a water source for Shoshone Medical Center and Kellogg High School. The main line begins at the reservoir and ends at a vault located at the Medical Center property. At one time, a chlorinator was placed between the reservoir and the vault for drinking water purposes feeding the Medical Center, but has since been bypassed. The main line consists of a direct pipe run directly from the dam to the vault, including distribution legs to Kellogg High School. After distribution to Kellogg High School, the main line continues ending with a connection to a vault. The vault contains a main valve, which controls the 3 distribution legs supplying Shoshone Medical Center. The 3 distribution legs consist of today's hospital's utilization for Decontamination, Non-Potable Water, and Irrigation. Each of the distribution legs have been active prior to 2004 when the new hospital was constructed. Decontamination water supply serves as the only water supply to a contained unit used in conjunction and typically associated with a medical surge, and/or emergent event. Non-potable water source is utilized as part of our disaster response plans, and is piped into the mechanical room, along with one fire hydrant located on the East side of the building. Irrigation is used to irrigate the hospitals grounds and landscaping.

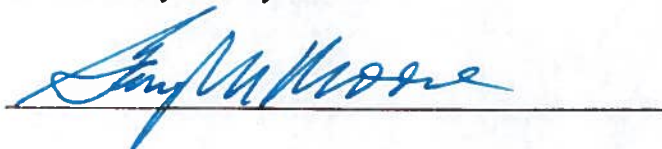
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6. I have voluntarily provided this statement. I have reviewed this statement and have made all changes and corrections that I feel are necessary. This statement accurately reflects my knowledge, recollection, referencing supporting documentation, and understanding about the Shoshone Hospital/Shoshone Medical Center property.

I understand that I am signing this affidavit under oath before a notary public. I swear under penalty of perjury that this statement is true and correct to the best of my knowledge and belief.

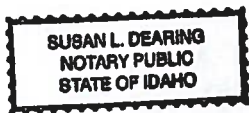
FURTHER THE AFFIANT SAITH NAUGHT.

Dated this 26th day of July 2016.



Subscribed and sworn to before me this 26th day of July, 2016.

[S E A L]




Notary Public for Idaho
Residing at Borise, ID
My Commission Expires 1/25/2023

8975410_1.DOC



Phone: 208.786.9131
Fax: 208.784.1100

1007 McKinley Avenue
Kellogg, Idaho 83837

August 3, 2016

Idaho Department of Water Resources
Gary Spackman, Director
P.O. Box 83720
Boise, Idaho 83720

RE: History of Shoshone Medical Center's sources of water

Dear Mr. Spackman:

I started working for Idaho Water Company in 1966 and in 1969 I became manager for the same company.

In 1974 the Central Shoshone County Water District (CSCWD) was formed and bought out Idaho Water Company. I worked a total of thirty-eight years for this company and retired in 2004.

I have served as mayor for the City of Kellogg for twenty-two years and I am well aware of the old hospital along with the new hospital.

CSCWD ran a new 6" PVC main pipe on the east side of the road going to the old hospital and Kellogg High School, and at this time water for both buildings were hooked to this new main line of pipe.

The water system that is fed off the dam above the current hospital has always been used for irrigation and also fire protection.

I believe the change over from the old feed off the dam to the new 6" domestic line was completed in the 1980's, and all the time that I was with the Idaho Water Company and CSCWD the dam was always used to irrigate both the old hospital and the new hospital's grounds.

Sincerely,

Mac Pooler,
Mayor

Claim No. 94-12401

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED
NOV 03 2015
IDWR / NORTH

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. Kellogg, Id.
(Mailing Address)

Telephone No. 784-1348 ¹³⁴⁸

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 26, 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)
Jackass Creek tributary to S. Fork Coeur 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:
Irrigation from 12/1/1961 to 3-15-62 (initial)

claimed: ¹ ~~1~~ ² ~~2~~ ³ ~~3~~ ⁴ ~~4~~ ⁵ ~~5~~ ⁶ ~~6~~ ⁷ ~~7~~ ⁸ ~~8~~ ⁹ ~~9~~ ¹⁰ ~~10~~ ¹¹ ~~11~~ ¹² ~~12~~ ¹³ ~~13~~ ¹⁴ ~~14~~ ¹⁵ ~~15~~ ¹⁶ ~~16~~ ¹⁷ ~~17~~ ¹⁸ ~~18~~ ¹⁹ ~~19~~ ²⁰ ~~20~~ ²¹ ~~21~~ ²² ~~22~~ ²³ ~~23~~ ²⁴ ~~24~~ ²⁵ ~~25~~ ²⁶ ~~26~~ ²⁷ ~~27~~ ²⁸ ~~28~~ ²⁹ ~~29~~ ³⁰ ~~30~~ ³¹ ~~31~~ ³² ~~32~~ ³³ ~~33~~ ³⁴ ~~34~~ ³⁵ ~~35~~ ³⁶ ~~36~~ ³⁷ ~~37~~ ³⁸ ~~38~~ ³⁹ ~~39~~ ⁴⁰ ~~40~~ ⁴¹ ~~41~~ ⁴² ~~42~~ ⁴³ ~~43~~ ⁴⁴ ~~44~~ ⁴⁵ ~~45~~ ⁴⁶ ~~46~~ ⁴⁷ ~~47~~ ⁴⁸ ~~48~~ ⁴⁹ ~~49~~ ⁵⁰ ~~50~~ ⁵¹ ~~51~~ ⁵² ~~52~~ ⁵³ ~~53~~ ⁵⁴ ~~54~~ ⁵⁵ ~~55~~ ⁵⁶ ~~56~~ ⁵⁷ ~~57~~ ⁵⁸ ~~58~~ ⁵⁹ ~~59~~ ⁶⁰ ~~60~~ ⁶¹ ~~61~~ ⁶² ~~62~~ ⁶³ ~~63~~ ⁶⁴ ~~64~~ ⁶⁵ ~~65~~ ⁶⁶ ~~66~~ ⁶⁷ ~~67~~ ⁶⁸ ~~68~~ ⁶⁹ ~~69~~ ⁷⁰ ~~70~~ ⁷¹ ~~71~~ ⁷² ~~72~~ ⁷³ ~~73~~ ⁷⁴ ~~74~~ ⁷⁵ ~~75~~ ⁷⁶ ~~76~~ ⁷⁷ ~~77~~ ⁷⁸ ~~78~~ ⁷⁹ ~~79~~ ⁸⁰ ~~80~~ ⁸¹ ~~81~~ ⁸² ~~82~~ ⁸³ ~~83~~ ⁸⁴ ~~84~~ ⁸⁵ ~~85~~ ⁸⁶ ~~86~~ ⁸⁷ ~~87~~ ⁸⁸ ~~88~~ ⁸⁹ ~~89~~ ⁹⁰ ~~90~~ ⁹¹ ~~91~~ ⁹² ~~92~~ ⁹³ ~~93~~ ⁹⁴ ~~94~~ ⁹⁵ ~~95~~ ⁹⁶ ~~96~~ ⁹⁷ ~~97~~ ⁹⁸ ~~98~~ ⁹⁹ ~~99~~ ¹⁰⁰ ~~100~~ ¹⁰¹ ~~101~~ ¹⁰² ~~102~~ ¹⁰³ ~~103~~ ¹⁰⁴ ~~104~~ ¹⁰⁵ ~~105~~ ¹⁰⁶ ~~106~~ ¹⁰⁷ ~~107~~ ¹⁰⁸ ~~108~~ ¹⁰⁹ ~~109~~ ¹¹⁰ ~~110~~ ¹¹¹ ~~111~~ ¹¹² ~~112~~ ¹¹³ ~~113~~ ¹¹⁴ ~~114~~ ¹¹⁵ ~~115~~ ¹¹⁶ ~~116~~ ¹¹⁷ ~~117~~ ¹¹⁸ ~~118~~ ¹¹⁹ ~~119~~ ¹²⁰ ~~120~~ ¹²¹ ~~121~~ ¹²² ~~122~~ ¹²³ ~~123~~ ¹²⁴ ~~124~~ ¹²⁵ ~~125~~ ¹²⁶ ~~126~~ ¹²⁷ ~~127~~ ¹²⁸ ~~128~~ ¹²⁹ ~~129~~ ¹³⁰ ~~130~~ ¹³¹ ~~131~~ ¹³² ~~132~~ ¹³³ ~~133~~ ¹³⁴ ~~134~~ ¹³⁵ ~~135~~ ¹³⁶ ~~136~~ ¹³⁷ ~~137~~ ¹³⁸ ~~138~~ ¹³⁹ ~~139~~ ¹⁴⁰ ~~140~~ ¹⁴¹ ~~141~~ ¹⁴² ~~142~~ ¹⁴³ ~~143~~ ¹⁴⁴ ~~144~~ ¹⁴⁵ ~~145~~ ¹⁴⁶ ~~146~~ ¹⁴⁷ ~~147~~ ¹⁴⁸ ~~148~~ ¹⁴⁹ ~~149~~ ¹⁵⁰ ~~150~~ ¹⁵¹ ~~151~~ ¹⁵² ~~152~~ ¹⁵³ ~~153~~ ¹⁵⁴ ~~154~~ ¹⁵⁵ ~~155~~ ¹⁵⁶ ~~156~~ ¹⁵⁷ ~~157~~ ¹⁵⁸ ~~158~~ ¹⁵⁹ ~~159~~ ¹⁶⁰ ~~160~~ ¹⁶¹ ~~161~~ ¹⁶² ~~162~~ ¹⁶³ ~~163~~ ¹⁶⁴ ~~164~~ ¹⁶⁵ ~~165~~ ¹⁶⁶ ~~166~~ ¹⁶⁷ ~~167~~ ¹⁶⁸ ~~168~~ ¹⁶⁹ ~~169~~ ¹⁷⁰ ~~170~~ ¹⁷¹ ~~171~~ ¹⁷² ~~172~~ ¹⁷³ ~~173~~ ¹⁷⁴ ~~174~~ ¹⁷⁵ ~~175~~ ¹⁷⁶ ~~176~~ ¹⁷⁷ ~~177~~ ¹⁷⁸ ~~178~~ ¹⁷⁹ ~~179~~ ¹⁸⁰ ~~180~~ ¹⁸¹ ~~181~~ ¹⁸² ~~182~~ ¹⁸³ ~~183~~ ¹⁸⁴ ~~184~~ ¹⁸⁵ ~~185~~ ¹⁸⁶ ~~186~~ ¹⁸⁷ ~~187~~ ¹⁸⁸ ~~188~~ ¹⁸⁹ ~~189~~ ¹⁹⁰ ~~190~~ ¹⁹¹ ~~191~~ ¹⁹² ~~192~~ ¹⁹³ ~~193~~ ¹⁹⁴ ~~194~~ ¹⁹⁵ ~~195~~ ¹⁹⁶ ~~196~~ ¹⁹⁷ ~~197~~ ¹⁹⁸ ~~198~~ ¹⁹⁹ ~~199~~ ²⁰⁰ ~~200~~ ²⁰¹ ~~201~~ ²⁰² ~~202~~ ²⁰³ ~~203~~ ²⁰⁴ ~~204~~ ²⁰⁵ ~~205~~ ²⁰⁶ ~~206~~ ²⁰⁷ ~~207~~ ²⁰⁸ ~~208~~ ²⁰⁹ ~~209~~ ²¹⁰ ~~210~~ ²¹¹ ~~211~~ ²¹² ~~212~~ ²¹³ ~~213~~ ²¹⁴ ~~214~~ ²¹⁵ ~~215~~ ²¹⁶ ~~216~~ ²¹⁷ ~~217~~ ²¹⁸ ~~218~~ ²¹⁹ ~~219~~ ²²⁰ ~~220~~ ²²¹ ~~221~~ ²²² ~~222~~ ²²³ ~~223~~ ²²⁴ ~~224~~ ²²⁵ ~~225~~ ²²⁶ ~~226~~ ²²⁷ ~~227~~ ²²⁸ ~~228~~ ²²⁹ ~~229~~ ²³⁰ ~~230~~ ²³¹ ~~231~~ ²³² ~~232~~ ²³³ ~~233~~ ²³⁴ ~~234~~ ²³⁵ ~~235~~ ²³⁶ ~~236~~ ²³⁷ ~~237~~ ²³⁸ ~~238~~ ²³⁹ ~~239~~ ²⁴⁰

Quantity 0.33 c/s Use Domestic (A) Period of Use From 1-7 To 12-31

Quantity 0.45 c/s Use Domestic (B) Period of Use From 1-1 To 12-31
Period of Use From 1-1 To 12-31

Quantity 1.15 Use Storage for Limited Period of Use From 1-2 To 12-31
 Use 1.15 Period of Use From 1-3 To 12-31

Quantity 2 A-L Use Domestic Production Period of Use From 3-15 To 4-15
 Quantity 2 A-L Use Exportation

- (4) 0.68cL/1AF (cts and AFA) 0.68cL/1AF TOTAL QUANTITY USED.

- (6) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 30 Twp. 49N Rge. 38 B.M., County of Blaine
 Additional points of diversion: _____

- 8) 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'x90' Conc Box Dam with one 15" Res. 8" line
from dam to C₂, then to place of use.

- (a) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 3

If used for other than irrigation, fully describe that use, being as specific as possible:
 1. Control Salinaria

500 Students / Gym, Cafeteria

Wagon - 60 Beds (Catereria - Laundry)

Include here the type and number of stock watered:

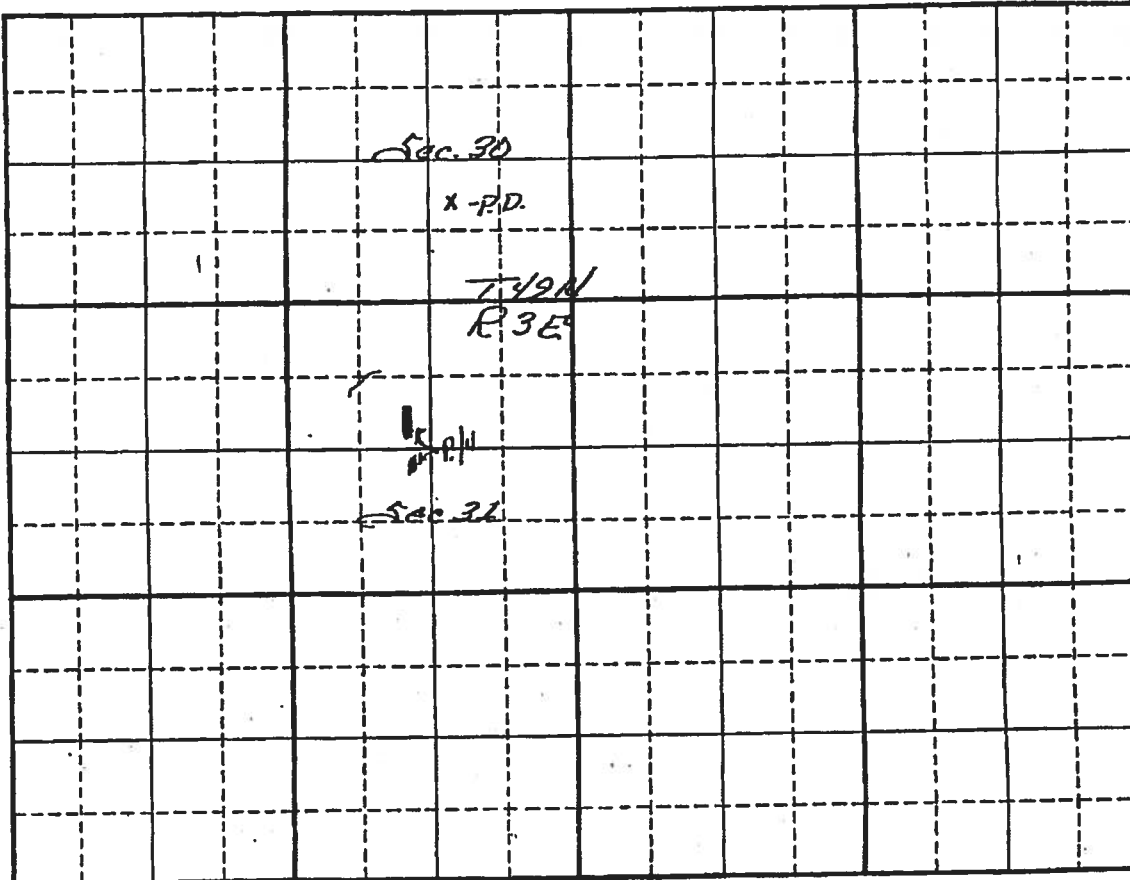
1. If the type and number of stock watered: _____
 2. If water is a member of an organization, list name of organization: _____

(8) Remarks _____

RECEIVED

NOV 03 2015

IDWR/NORTH



Scale: 2 inches equal 1 mile.

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

State of Idaho)

County of Shoshone) 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 his or her own knowledge.

Sworn to before me this 20 day of July

Notary Public
Residing at Boise, Idaho

My commission expires July 1, 2012

FOR DEPARTMENT USE ONLY

Received by Mr. [Signature] Date 6/1/11

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by Mr. [Signature] Date 6/1/11

30 \$20.00 fee received by Mr. [Signature] Date 6/25/11 (18162)

Published in Shoshone County News

Dates 6/1/11 to 6/1/11

Joint School District 391

800 Bunker Ave.
KELLOGG, IDAHO 83837

SENIOR HIGH - HOSPITAL WATER SYSTEM

October 10, 1973

There are 2.6 gallons of water in one foot of 8 inch pipe.

There are approximately 4,752 feet of 8 inch pipe from reservoir to high school and about 1,584 feet of pipe from high school to hospital.

The reservoir is 10 feet deep at the spillway, 14 feet at center, 10 feet at west side, sloping to inlet and east side. Average depth is probably about 8 feet. The reservoir is approximately 90 feet long by 60 feet wide, for a total of 74,640,000 cubic inches. (231 cu. in. = 1 gallon)

The holding tank has a 3,000 gallon capacity.

Gallons in reservoir	323,158	
Gallons in pipe from Jam to high school	12,355	
Gallons in tank	3,000	
	<u>338,513</u>	gallons
Gallons in pipe high school to hospital	4,118	
Total gallons in system	<u>342,631</u>	

Prior to the installation of the auxiliary pumping system, when both the school and hospital were using up to full capacity such use did not drop the water level in the reservoir below the spillway except from July through mid-September. In other words, during normal season, there was more water flowing into the reservoir than was being used.

With the installation of the auxiliary pumps supplying the holding tank the reservoir has held at spillway capacity during the dry season.

It would be safe to say that even in driest times we have in excess of 342,631 gallons of water available at constant level, and more available on demand.

MEMO

Date: November 4, 2015

To: Notice of Claim File 94-8407

From: Linda Werner, Sr. Water Resource Agent *L.W.*

Subject: Field Inspection Findings of November 3, 2015

Accompanied By: Evan Roda, Sr. Water Resource Agent, IDWR
Justin Custis, W. Shoshone Hospital District
Tim Etherton, Kellogg Joint School District

Source: Jackass Creek Tributary to S. Fork Coeur d'Alene River

Point of Diversion: T49N, R3E, Section 30, SWSE, Lot 6

Water from Jackass Creek flows to an on-stream storage pond measuring 61' wide x 100' long, with average depth of 5'. Storage capacity calculated at 0.70 AF. (See Pond Worksheet, Attached) Water flows from pond through 8" pipe to West Shoshone Hospital where it is used for irrigation of the grounds surrounding the hospital and at the decontamination unit located on hospital grounds just north of the main facility. The decontamination unit consists of a filtration system, a 50 gallon hot water tank and one sink and one shower. Calculated flow rate for decontamination usage based on 2.2 GPM/showerhead & 50 gallon hot water tank which has never been emptied while in use. Water will also be used for fire protection. Irrigation is from buried pop-up sprinklers.

Usage and Quantity:	Industrial & Irrigation Storage: T49N R3E Sec. 30 SWSE (6)	1.0 AF
	Irrigation: T49N R3E Sec. 31 NESW 0.5	
	SESW (5) 1.5	
	SWSW (4) <u>0.5</u>	
	2.5	
	Total: 2.5 Acres @ 0.03 CFS/AC 0.07 CFS	
	Industrial: T49N R3E Sec. 31 NESW <u>0.01 CFS</u>	
	Total Quantity: 0.08 CFS	1.0 AF
	Industrial & Irrigation from Storage: Same as Irrigation & Industrial POU	



LOOKING SOUTH AT DAM AT HEADGATE, EMERGENCY SPILLWAY & PIPELINE VAULT



LOOKING EAST AT
DECONTAMINATION UNIT
JUST NORTH OF HOSPITAL
FACILITY.



HOT WATER TANK

&



SINK AND FILTRATION SYSTEM IN DECON. UNIT

(PICTURES OF SHOWER AND IRRIGATED ACREAGE NOT AVAILABLE)

POND ANALYSIS SHEET
CLAIM 94-8407, W SHOSHONE HOSPITAL DISTRICT #1

SOURCE: JACKASS CREEK TRIBUTARY TO S FORK COEUR D'ALENE RIVER
LOCATION: T48N, R3E, SECTION 30, SWSE (6)

POND SIZE: 61.0 FT X 100.0 FT = 6100 SQ FT/43,560 = 0.14 ACRES X 5 FT DEEP = 0.70 AF
EVAPORATION = 383 GPD X 245 DAYS / 325,850 GAL/AF = 0.29 AF
SEEPAGE = NOT APPLICABLE DUE TO ON-STREAM STORAGE

IRRIGATION & INDUSTRIAL STORAGE:	A. POND SIZE	0.7 AF
	B. EVAPORATION	<u>0.3 AF</u>
	TOTAL	1.0 AF

Linda Jones

From: Werner, Linda <Linda.Werner@idwr.idaho.gov>
Sent: Tuesday, September 13, 2016 12:54 PM
To: Linda Jones
Subject: Motion to File Amended Notice of Claim (Shoshone Hospital)

Hi Linda,

In regard to the Shoshone Hospital amended Notice of Claim; please send this to the Court.

Thank you.

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