

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

Claim ID: 95-17590

Date Received: 7-9-18

Receipt No: N033571

Claim Fee: \$61.00 By: ja

RECEIVED

JUL 09 2018

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/NORTHERN

Please type or print clearly

1. Name of claimant(s) BAYVIEW HEIGHTS COMMUNITY WATER ASSN. LLC Phone (208) 683-0601
Mailing address PO BOX 822 BAYVIEW ID 83803
Street or Box City State
Email address (optional) catseyeexcavation@gmail.com
2. Date of priority: (Only one per claim) 4/30/1960 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 54N, Range 02W, Section 34,
SW 1/4 of SW 1/4, Govt. Lot _____, BM, County of KOOTENAI
Parcel no. B0999008009B
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
WELL DRILLED IN 1959. PUMP INSTALLED APRIL 1960. 7.5 HP PUMP, DEPTH 138', PUMP SET AT 135',
STATIC WATER LEVEL 114'. FOUR 120 GALLON BLADDER TANKS. PWS #1280012

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For MUNICIPAL purposes from 1/1 to 12/31 amount 0.11 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.11 (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.) _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
52N	02W	34											M						

Parcel no(s) SEE REMARKS

Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes () No (☒) Sm

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

B0999008009B, B0999008010A, B0999008009A, B09990080080, B09990080070, B09990090120,

B09990090110, B09990090100, B09990090030, B0999009001A, B09990080060, B0999008005B,

B0999008004A, BJ4220010020, BJ4220010010, B09990070110, B0999009004A, B09990090090, AND

B0999007007A

Name of claimant(s) BAYVIEW HEIGHTS COMMUNITY WATER ASSN. LLC

Claim ID _____

PLACE OF USE FOR CSRBA WATER RIGHT CLAIM



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 _____

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 Water System 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: 10

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

General of Bayview heights community water association LLC
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent Sarah Mott Date 7-9-18

Printed Name of Authorized Agent Sarah Mott

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on 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 _____

Name of claimant(s) BAYVIEW HEIGHTS COMMUNITY WATER ASSN. LLC Claim ID _____



Department of State.

CERTIFICATE OF INCORPORATION

I, **ARNOLD WILLIAMS**,
~~ARNOLD WILLIAMS~~ Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

BAYVIEW HEIGHTS COMMUNITY WATER SYSTEM ASSOCIATION, INC.

was filed in the office of the Secretary of State on the **sixth** day
of **July**, A. D. One Thousand Nine Hundred **Fifty-Nine**, and
is duly recorded on Film No. **108** of Record of Domestic Corporations, of the State
of Idaho, and that the said articles contain the statement of facts required by Section 30-103 and
Sections 30-1001 to 30-1005, inclusive, Idaho Code.

I FURTHER CERTIFY, That the persons executing the articles and their associates and
successors are hereby constituted a corporation, by the name hereinbefore stated, for
perpetual existence from the date hereof, with its registered office in this State located at
Bayview, in the County of **Kootenai**,
and as such are subject to the rights, privileges and limitations granted to Non-Profit Coopera-
tive Associations as provided in Chapter 10, Title 30, Idaho Code.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the Great Seal of the
State. Done at Boise City, the Capital of Idaho,
this **sixth** day of **July**,
A.D., 19 **59**.

SCANNED
MAY 17 201

Secretary of State.

ARTICLES OF INCORPORATION
OF
THE
BAYVIEW HEIGHTS COMMUNITY
WATER SYSTEM ASSOCIATION, INC.

The signatories to these articles hereby associate as a non-profit, cooperative association under the laws of the State of Idaho, and particularly sections 30-1001 to 30-1006, Idaho Code, and amendments thereto and correlated provisions of the laws of the State of Idaho.

ARTICLE I

The name of this association shall be;

" BAYVIEW HEIGHTS COMMUNITY WATER SYSTEM ASSOCIATION, INC."

ARTICLE II

The objects and purposes, for which this association is formed are:

- a. To construct, maintain and operate a domestic water system for the supplying of water for domestic, livestock and gardening purposes to its members, and to engage in any activity related thereto, including, but not limited to, the acquisition of water by appropriation, drilling, pumping and/or purchase, and the purchase, laying, installation, operation, maintenance and repair of wells, pumping equipment, water mains, pipe lines, valves, meters and all other equipment necessary to the construction, maintenance and operation of a water system.
- b. To borrow from any source, money, goods or services without limitation as to amount of corporate indebtedness or liability; and to pledge or mortgage any of its property as security therefor in any manner permitted by law.

- c. To buy, lease, hold and exercise all privileges of ownership in and to the real or personal property as may be necessary or convenient for the conduct and operation of the business of the association or incidental thereto.
- d. To acquire and to hold, own and exercise all rights of ownership in, and to sell, transfer or pledge shares of capital stock or bonds or become a member or a stockholder of any corporation or association engaged in any related activities.
- e. To establish reserves and to invest the funds thereof in stocks, bonds and other property as the board of directors may deem satisfactory.
- f. to levy assessments in such manner and in such amount as may be provided in the by-laws of this association, and to provide for the manner of collection of assessments for water furnished its members and the manner of enforcement thereof.
- g. To have and exercise all powers, privileges and rights conferred on corporations by the laws of the State of Idaho and all powers and rights incidental in carrying out the purposes for which this association is formed, except such as are inconsistent with the express provisions of the act under which this association is incorporated.
- h. The foregoing shall be construed both as objects and powers and the enumeration thereof shall not be held to limit or restrict in any manner the general powers conferred on this association by the laws of the State of Idaho, all of which are hereby expressly claimed.

ARTICLE III

The place where the principal business of the association is to be transacted is at Bayview, Kootenai County, Idaho, but the association may maintain offices and places of business at such other places within the State of Idaho, as the Board of Directors may determine.

ARTICLE IV

The duration of this corporation shall be perpetual.
The rights and interests of all members shall be equal.

ARTICLE V

The private property of the members shall not be subject to payment of association debts to any extent whatever.

ARTICLE VI

Section 1. This association shall not have capital stock, and its capital shall be represented by membership certificates which shall be issued and subject to ownership in accordance with the by-laws of this association.

Section 2. This association shall, by its By-Laws, provide the terms and conditions of membership and the association shall not be required to admit new members if the capacity of its plant and facilities has already been applied for and in use.

Section 3. Membership fees shall be fixed and regulated by the By-Laws. Each member, whose fees are fully paid and who is not in arrears regarding payments for water services, shall be entitled to one vote at any meeting of the members of the association for each membership certificate held. Assessments against members, and a determination of their liability, shall be fixed by the By-Laws of the association, which shall provide for the manner of collection and its enforcement and also for the lapse of membership and forfeiture of the right to the use of water for the non-payment of water service or non-user.

Section 4. This association is organized as a non-profit association for the mutual benefit of its members and will not have profits. All fees received for admission of members shall be placed in the surplus fund to be used only for the payment of indebtedness, repairs, building and maintenance. After all

expenses of the association are paid each year, and a reasonable reserve, as determined by the Board of Directors, set aside, any income of the association in excess thereof shall be used to reduce the charges for the next year's operations.

ARTICLE VII

The number, qualifications, terms of office, manner of election, time and place, manner of calling of meeting, and the powers and duties of the board of directors shall be prescribed by the By-Laws.

all of whom are of full age and citizens of the United States,
WITNESS, the hands and seals of the incorporators, whose names

and addresses are stated below, each subscribing to a membership certificate.

ADOPTED THIS 20th day of June, 1959.

<u>Robert W. Johnson</u>	<u>Box 61, Bayview, Idaho</u> Address
<u>Charles O White</u>	<u>S. 516 Ray St</u> <u>Spokane</u> <u>Wn.</u>
<u>Ray Weger</u>	<u>Box 72 Bayview Idaho</u>
<u>Willis C. Senter</u>	<u>440-E-8th Moscow, Id.</u>
<u>Percival H. Harris</u>	<u>Box 124 Bayview Id.</u>

STATE OF IDAHO)
COUNTY OF KOOTENAI) ss.

On this 30th day of June, 1959, before me, Herbert Nagel,
a Notary Public in and for said county and State, personally
appeared ROBERT W. JOHNSON, CHARLES O. WHITE, RAY WEGER, WILLIS
P. SENTER and PERCIVAL W. HARRIS, known to me to be the persons
executing the foregoing instrument, and acknowledged to me that
each and all executed the same.

Herbert Nagel
Notary Public for the State of Idaho
Residing at Coeur d'Alene
My commission expires 11-30-61

SCANNED

MAY 17 2018



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$100.00 typed, \$120 not typed

 Complete and submit the application in duplicate.

2018 MAY 29 AM 10:13

 SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Bayview Heights Community Water Association, LLC.

(Remember to include the words "Limited Liability Company," "Limited Company," or the abbreviations L.L.C., LLC, or LC)

2. The complete street and mailing addresses of the principal office is:

33815 North Spruce Ave. Bayview, Idaho 83803

(Street Address)

PO Box 483 Bayview, Idaho 83803

(Mailing Address, if different)

3. The name and complete street address of the registered agent:

Dan Williams

33815 North Spruce Ave. Bayview, Idaho 83803

(Name)

(Address)

4. The name and address of at least one governor of the limited liability company:

Sarah Mott

33930 North Spruce Ave. Bayview, Idaho 83803

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

5. Mailing address for future correspondence (annual report notices):

PO Box 483 Bayview, Idaho 83803

(Address)

Signature of organizer(s).

Printed Name: Dan Williams

Signature:

Printed Name:

Signature:

Secretary of State use only

IDAHO SECRETARY OF STATE

05/29/2018 05:00

CK:2124 CT:233582 BH:1646161

1@ 100.00 = 100.00 ORGAN LLC #2

W 202804

June 18,2018

To whom it may concern,

Dan and Jennifer Williams currently reside at 33815 N Spruce Ave. in Bayview Idaho.
The domestic water is supplied by the Bayview Heights Community Water System. This has
been the case since May 1, 2005.
Thank you,
Sincerely

Dan Williams

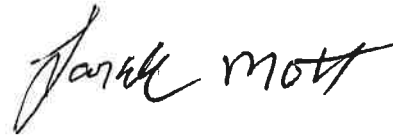
A handwritten signature in cursive script that reads "Dan Williams". The signature is written in dark ink and is positioned below the printed name.

SCANNED
JUN 27 2018

June, 19, 2018

To whom It may concern

I Sarah Mott, have been on Byaview Heights Community Water for approximately 18 years, residing at 33930 Spruce ave. Bayview, Idaho, 83803. I have been utilizing the water at my home during this time. I have been paying annually into the water association.

A handwritten signature in black ink that reads "Sarah Mott". The signature is written in a cursive style with a large, looped 'S' and a trailing flourish.

SCANNED
JUN 27 2018

To Whom It May Concern:

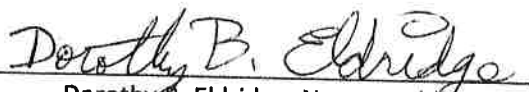
For approximately 16 years, we, Theodore Gallegos and Beverley Gallegos, residing at 16304 E. 4th Street, Bayview, ID 83803, have been utilizing the Bayview Heights Water Association System. We have paid yearly fee for over 16 years.

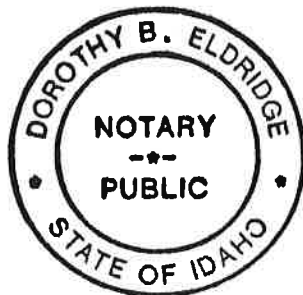

Theodore Gallegos


Beverly Gallegos

State of Idaho
County of Kootenai

Subscribed and sworn/affirmed to before me this 18 day of June 2018, by Theodore Gallegos and Beverly Gallegos.


Dorothy B. Eldridge, Notary Public
My Commission Expires: 12/17/2019



SCANNED
JUN 27 2018