

MAY 01 2019

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 95-7082
Date Received:
Receipt No: T089766
Claim Fee: \$207.00
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BRICKERT COUNTRY ESTATES HOMEOWNERS ASSN
6607 OCTAVIA COURT
POST FALLS ID 83854

Phone: (208) 660-1769

2. Date of Priority: 11/4/1969

3. Source:

GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	$\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$	Lot	County	Type
51N	04W	32	NE NE		KOOTENAI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4 /15	10/15	3.11		549.5

7. Total Quantity Appropriated is:

3.11 C.F.S. and/or 549.5 A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within KOOTENAI County

Township	Range	Section	¼	of	¼	Lot	Acres
51N	04W	32	NE		NE		40
51N	04W	32	NW		NE		32
51N	04W	32	SW		NE		40
51N	04W	32	SE		NE		20
51N	04W	32	SE		NW		25

Total Acres = 157

10. Do you own the property listed above as place of use? No

If your answer is no, describe in remarks below the authority you have to claim this water right.
HOA provides irrigation water to member's properties.

11. Other Water Rights Used:

12. Remarks:

Actual period of use for irrigation is 4/15 to 10/15 rather than 4/1 to 10/1.

13. Basis of Claim: License

14. 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 _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

Secretary / Treasurer of Brickert Country Estates Homeowners Assn,
Title Organization

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

Secretary / Treasurer of Brickert Country Estates Homeowners Assn,
Title Organization

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

Signature of Authorized Agent Darby D. Foulish Date 4/28/2019

Title and Organization Secretary / Treasurer Brickert Country Estates Homeowners Assn

permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

5.2 All lots require an individual septic system installed and approved by the appropriate County agency and health authorities.

5.3 Domestic water service shall be provided to the Property by Ross Point Water District, as an appurtenance to each lot of the Property. Each lot owner shall be solely responsible for the payment of the applicable hookup and user fee to the water district and is entitled to a maximum one (1) inch water meter to service each lot.

5.4 Irrigation Water System. Irrigation water service shall be provided to the Property, which system shall be constructed by Declarant and eventually conveyed to the Homeowners' Association. The irrigation water service shall be an appurtenance to each residential lot of the Property. Declarant reserves the right to serve additional real property as may be subsequently annexed hereunder. Each lot shall be entitled to a maximum of 32 gallons per minute (eight sprinklers with 4 g.p.m. nozzles) and shall water only on alternating days with the even numbered lots on the even days and the odd numbers on the odd days. Once constructed, such irrigation service shall be available for use by the lot owners for the months of April 15 to October 15 of each year. Each lot owner shall pay a pro rata share of the operation and maintenance costs of the system and routine maintenance of the irrigation lot by way of assessment. The Homeowners' Association shall be entitled to a lien against the respective lots so served for payment of such costs. The Homeowners' Association shall have the right to make additional rules and regulations as are applicable to said system and operation and maintenance of the irrigation lot and monuments.

ARTICLE 6

COVENANTS FOR MAINTENANCE ASSESSMENTS

6.1 Creation of Lien and Personal Obligation for Assessments. The Declarant, for each lot owned within the property, hereby covenants, and each owner of any lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree, to pay to the Association:

- A. Annual or regular assessments or charges; and
- B. Special assessments for capital improvements, such assessments to be established and collected as hereinafter provided.

07/27/2018

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-7082

NAME AND ADDRESS: BRICKERT COUNTRY ESTATES HOMEOWNERS ASSN
6607 OCTAVIA COURT
POST FALLS ID 83854

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.880 CFS
504.00 AFY

PRIORITY DATE: 11/04/1969

POINT OF DIVERSION: T51N R04W S32 SENE Within KOOTENAI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/01

QUANTITY
2.880 CFS
504.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in KOOTENAI County

T51N R04W S32	NENE	36.00	T51N R04W S32	NWNE	30.00
T51N R04W S32	SWNE	38.00	T51N R04W S32	SENE	18.00
T51N R04W S32	NENW	2.00	T51N R04W S32	SENW	20.00

144 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Parcel No. 009650040010 for Point of Diversion.

Property is also known as Brickert Country Estates.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 95-7082 Priority Nov. 4, 1969 Amount 3.11 cfs

THIS IS TO CERTIFY, that THOMAS A. BRICKERT
of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 95-7082 issued pursuant to Application for Permit dated November 4, 1969,
and has submitted proof to the Department of Water Resources on November 19, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.11 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 1</u>	at <u>3.11</u> cfs and	<u>549.5 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.11 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
549.5 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32,
Twp. 51 N, Rge. 4 W, B. M. in the County of Kootenai

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
51 N	4 W	32	40	32	40	20				25									157

Total number of acres irrigated 157

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18 day of
August, 19 75.

Director