

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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Claim ID: 97-7317
Date Received: 10-29-21
Receipt No: NO37761
Claim Fee: 6500 By: Ja

RECEIVED

OCT 29 2021

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR / NORTH

Please type or print clearly

1. Name of claimant(s) Sandpiper Shores Master Utility, Inc Phone (509) 951-9727
Mailing address 5930 N Freya Spokane WA Zip 99217
Street or Box City State
Email address (optional) mickymerritt@gmail.com
2. Date of priority: (Only one per claim) 4/16/1992 (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 62N Range 04W Section 10
SE 1/4 of NW 1/4, Govt. Lot 4, BM, County of BONNER
Parcel no. RP62N04W104800A
Additional points of diversion, if any: _____
If available, GPS Coordinates 48°44'32.5"N 116°50'45.6"W
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.

6. Water is claimed for the following purposes;

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

For DOMESTIC purposes from 1/1 to 12/31 amount 0.15 or 22.8

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) 22.8 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) DOMESTIC USE FOR 38 HOMES, DOESN'T INCLUDE LAWN OR OTHER IRR.

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	
62	04	10							D	D									
									LT4	LT3									

Parcel no(s) _____ Total number of acres irrigated _____

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

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.
_____ or None ()

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

Original Water Rights No. 97-7317 had an error in the specific location of the well.

- Point of Diversion is well located at approximately 48°44'32.5"N 116°50'45.6"W. Well

Driller's Report attached to 97-7317 is for well at this location. Also, pictures in application are of the well at this location. This is in Govt Lot 4 instead of 3. Physical location of the well has not changed.

Place of use is the same as Water Rights No. 97-7317 except the addition of:

-10-62N-4W NELL SHIPMAN FOREST LOT 4 LODGE EST.

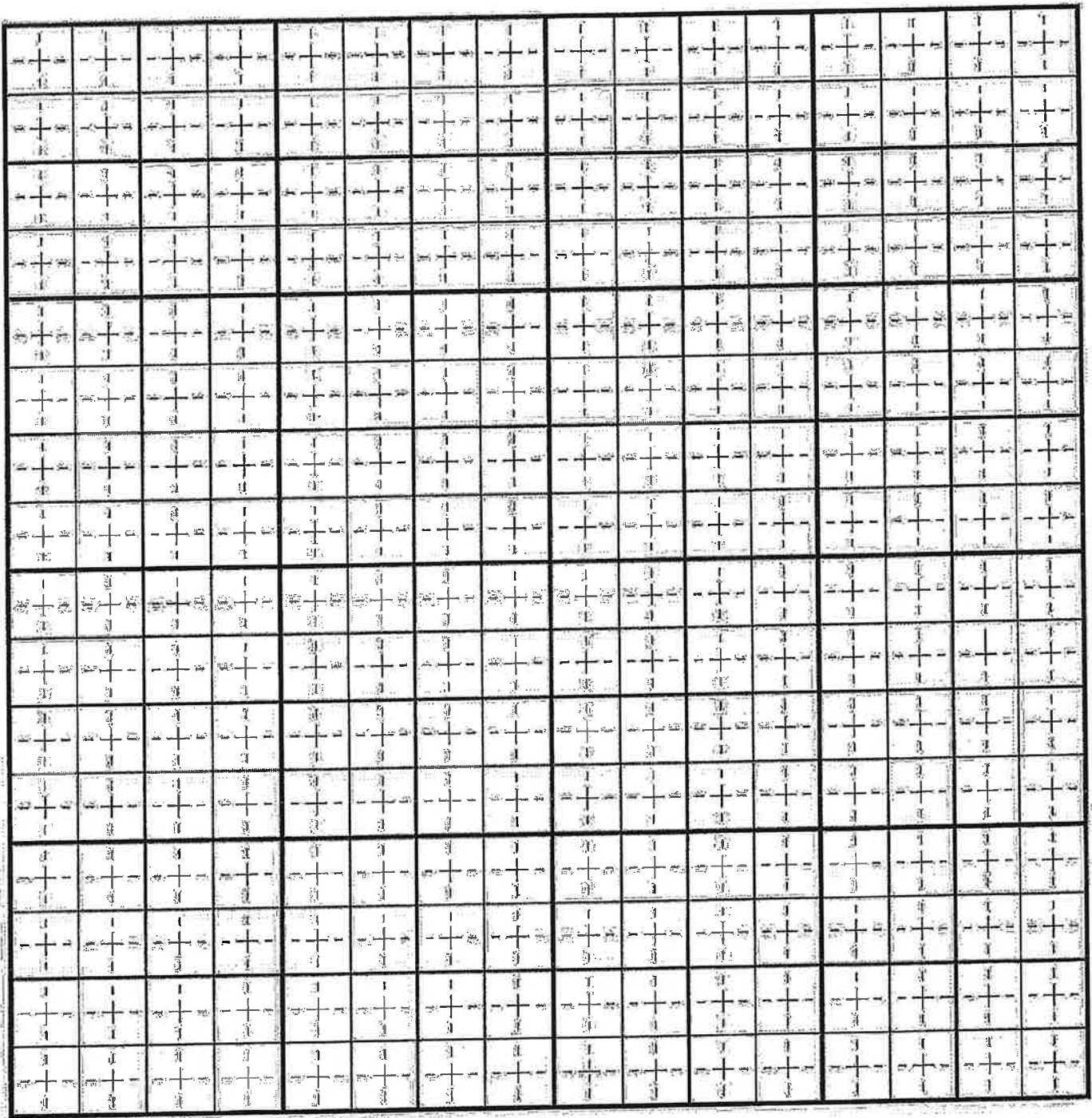
Number of users has changed from 38 to 39 with the addition of Nell Shipman Lot 4

Name of claimant(s) Sandpiper Shores Master Utility, Inc

Claim ID _____

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



Name of claimant(s) Sandpiper Shores Master Utility, Inc

Claim ID

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 97-7317

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 Clark Fork-Pend Oreille River Basin Water System Adjudication."
(b.) I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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

PRESIDENT

Agent's title (Please print)

of

SANDPIPER SHORES MASTER UTILITY, INC

Name of organization (Please print)

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

Signature of Authorized Agent Michael J Merritt Date 10-22-2021

Printed Name of Authorized Agent MICHAEL MERRITT

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) Sandpiper Shores Master Utility, Inc Claim ID _____

LOT OWNER NAMES ARE NOT ACCURATE

ADDITIONAL
LOT:
10-62N-4W NELL
SHIPMAN
FOREST LOT 4
LODGE EST

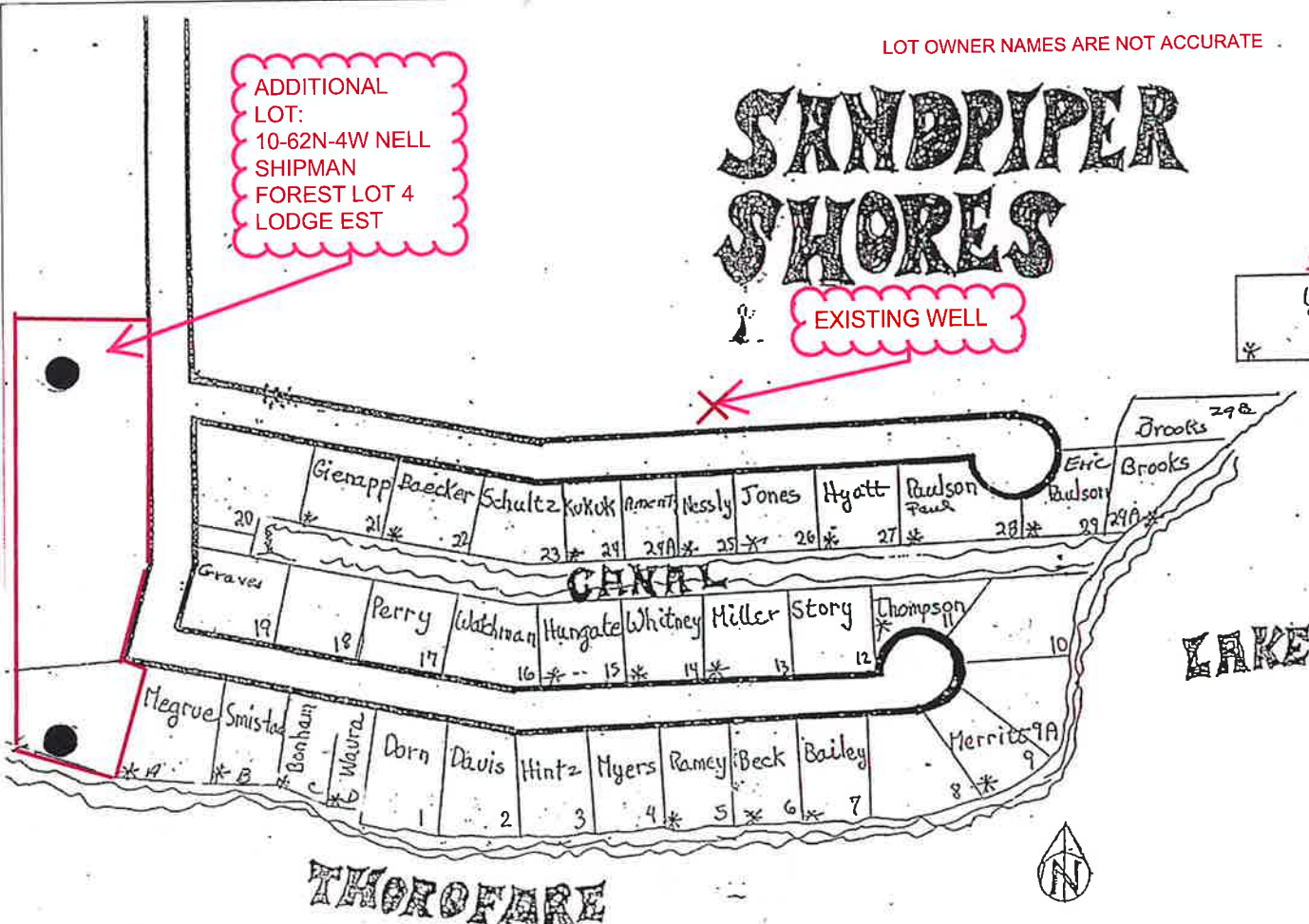
SANDPIPER SHORES

EXISTING WELL

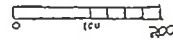
MICROFILMED
SEP 29 1998

Young

* 30



THOROFARE



Sandpiper Shores Master Utility, Inc

~~Jan & Orville Bailey
Sandpiper Shores West Lake
9 Center Point
Coeur d'Alene, ID 83821-9710~~

~~22 * people with homes on lots~~

~~16 vacant lots~~

~~38~~

CONNECTED LOTS: 39

Instrument # 907417
Bonner County, Sandpoint, Idaho
06/29/2017 12:56:02 PM No. of Pages: 4
Recorded for: STEPHANIE COY
Michael W. Rosedale Fee: \$19.00
Ex-Officio Recorder Deputy
Index to: MISC

Articles of Incorporation of Sandpiper
Shores Master Utility, Inc
Amendment

AMENDED AND RESTATED ARTICLES OF INCORPORATION OF SANDPIPER SHORES MASTER UTILITY, INC. (NON-PROFIT)

Title 30, Chapters 21 and 30, Idaho Code

The undersigned, acting as Board Members of a nonprofit Corporation under the Idaho Nonprofit Corporation Act, and by representing the will of the majority Member vote during the Special Meeting on 4Jun2017, adopts the following amended Articles of Incorporation to read as follows for such Corporation:

ARTICLE I - NAME

The name of the Corporation is SANDPIPER SHORES MASTER UTILITY, INC. aka SSMU.

ARTICLE II – NOT FOR PROFIT

The Corporation is a nonprofit corporation under the laws of the State of Idaho. The Corporation is not formed for pecuniary profit. No part of the income or assets of the Corporation is distributable to or for the benefit of its Members, Directors or Officers, except to the extent permissible under law. Effective date of incorporation is 10Jan2014.

ARTICLE III - DURATION

The period of duration of the Corporation is perpetual.

ARTICLE IV – PURPOSE

The Corporation is organized, and shall be operated exclusively, for the following purposes:

A. To acquire, own, operate, manage, control and hold a public water supply and service system; a municipal sewage collection, treatment and wastewater reuse system; and all land, equipment, facilities, and assets relating thereto, developed or to be developed for the benefit of the benefit of the Corporation's members.

B. To exercise all rights and powers conferred by the laws of the State of Idaho upon nonprofit corporations, including without limiting the generality of the foregoing, to acquire by bequest, devise, gift, purchase, lease or otherwise any real or personal property of any sort of nature without limitation as to its amount or value, and to hold, invest, reinvest, manage, use, apply, employ, sell, expend, disburse, lease, mortgage, convey, option, donate or otherwise dispose of such property and the income, principal and proceeds of such property, for any of the purposes set forth herein.

C. To do such other things as are incidental to the purposes of the Corporation or necessary or desirable to accomplish them.

ARTICLE V – LIMITATION

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its Members, Directors or Officers, but the Corporation shall be authorized and empowered to pay

reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article IV above.

ARTICLE VI – MEMBERS

Membership in the Corporation shall consist of the owners of each of the lots located within the Sandpiper Shores Homeowner's Association (Block 1 of Sandpiper Shores subdivision, Priest Lake, according to the Plat thereof, recorded in Book 3 of Plats, Page 51, records of Bonner County, Idaho), and the four lettered lots (A, B, C, and D). Any other lot or parcel in the vicinity of Section 10, Township 62 North, Range 4 West, Boise Meridian, Bonner County, Idaho on the northerly end of Priest Lake, Bonner County, Idaho may be offered membership by the Board of Directors if the terms and conditions for membership are accepted and to the extent of available capacity. Members shall be entitled to vote as provided in the Bylaws.

ARTICLE VII – REGISTERED OFFICE

The address of the registered office is 250 Northwest Blvd, Ste. 206, Coeur d'Alene, ID 83814. The registered agent at that address is Erika Grubbs.

ARTICLE VIII – DIRECTORS

The management of the Corporation shall be vested in a Board of Directors. The number of Directors constituting the Board of Directors is three. The number of Directors may be increased or decreased from time to time in accordance with the Bylaws, but shall never be less than three. The Members shall elect the Directors at the Annual Meeting of Members. Each Director of the Corporation shall be a member of the Corporation. The name and address of each current Director of the Corporation are as follows:

Micky Merritt	3815 S. Tekoa St., Spokane, WA 99203
Lola Ramey	3809 W. Bradbury, Spokane, WA 99208
Brian Elliot	PO Box 3992, Spokane, WA 99220

ARTICLE IX - OFFICERS

The Officers of the Corporation shall consist of a President, Secretary, Treasurer and such other officers and assistant officers as may be provided in the Bylaws. Each Officer shall be elected by the Board of Directors (and may be removed by the Board of Directors) at such time and in such manner as may be prescribed in the Bylaws. No two or more offices may be held by the same person.

ARTICLE X – BYLAWS

Provisions for the regulation of the internal affairs of this Utility Corporation shall be set forth in the Bylaws. If the Bylaws contain any provision not consistent with law, the law, then Articles of Incorporation, then the Bylaws shall govern.

ARTICLE XI – AMENDMENT

The Members reserve the right to amend or repeal any provisions contained in these Articles of Incorporation or any amendment to them by a fifty-one percent (51%) of the eligible Member voting power. A certificate, signed and sworn to by the President and Secretary of the Corporation that the required number of the eligible votes of the required number of Lots, have either voted for or consented by proxy to any amendment adopted as provided for herein shall be conclusive evidence of

that fact. The corporation shall maintain in its files the record of all such votes and proxies for a period of at least four (4) years

ARTICLE XII - INDEMNIFICATION

The Corporation shall indemnify each Officer and Director to the full extent permitted by the Idaho Business Corporation Act and the Idaho Nonprofit Corporation Act.

ARTICLE XIII - DISSOLUTION

Upon dissolution of the Corporation, any assets of the Corporation not transferred to or utilized by a successor entity shall, after paying or making provision for the payment of all liabilities of the Corporation, be distributed consistent with the purposes of the Corporation and the Act. Any such assets not so distributed shall be distributed by the district court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organizations as such court shall determine to be consistent with the purposes of the Corporation.

ARTICLE XIV - INCORPORATOR

The name and business address of the original incorporator is as follows:
David T. McWilliams 1382 Vestavia Circle, Melbourne, Florida 32940

CERTIFICATE OF ADOPTION OF THESE AMENDED ARTICLES OF INCORPORATION

In witness whereof, the undersigned, as President of the above named Corporation, has hereunto accepted and signed these amended Articles of Incorporation of this 15 day of JUNE, 2017.

Michael P. Merritt
Michael Merritt, SSMU President

STATE OF WASHINGTON)
Jss.
County of Spokane)

On this 15 day of JUNE, 2017, before me CC CHRIS SONDALLE, a Notary Public in and for said State, personally appeared MICHAEL MERRITT, known or identified to me to be the person whose name is subscribed to the foregoing instrument of Sandpiper Shores Master Utility Inc., that s/he executed the within instrument on behalf of said corporation in her authorized capacity and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Notary Public
State of Washington
CHRIS SONDALLE
My Appointment Expires Mar 21, 2018

[Signature]
Notary Public for WA
Residing at 2943 S. GARDEN BLVD
Comm. Expires: MARCH 21, 2018