

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

Ident. Number: 96-8032  
Date Received: 2/10/2022  
Receipt No: N038367  
Claim Fee: 5300  
Received By: Ja

RECEIVED

FEB 10 2022

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK D PARKER  
PO BOX 189  
CLARK FORK ID 83811

Phone: (208) 266-0263

AND/OR

PATRICIA M PARKER  
PO BOX 189  
CLARK FORK ID 83811

Phone: (208) 266-0263

2. Date of Priority: 2/9/1982

3. Source:  
UNNAMED STREAM

Trib. to:  
CASCADE CREEK

4. Point of Diversion:

| Township | Range | Section | $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ | Lot | County | Type |
|----------|-------|---------|-------------------------------------------------|-----|--------|------|
| 56N      | 03E   | 30      | NW NW                                           |     | BONNER |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A |
|------------|-------|-------|--------|------|-------|
| DOMESTIC   | 01/01 | 12/31 | 0.04   |      | 0.6   |
| IRRIGATION | 4/01  | 10/31 | 0.03   |      | 7.5   |

7. Total Quantity Appropriated is:

0.07 C.F.S. and/or 8.1 A.F.A.

8. Non-irrigation uses:

ONE HOME

9. Place of use:

DOMESTIC within BONNER County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 56N      | 03E   | 30      | NE |    | NE |     |       |

IRRIGATION within BONNER County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 56N      | 02E   | 25      | NE |    | NE |     | 2.5   |

Total Acres = 2.5

10. Do you own the property listed above as place of use? Yes

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

---

---

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Domestic use is for 1 home.

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 CLARK FORK-PEND OREILLE 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 Individuals:**

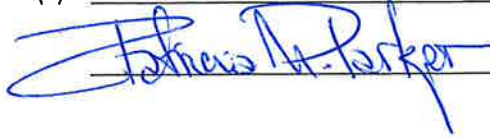
I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):



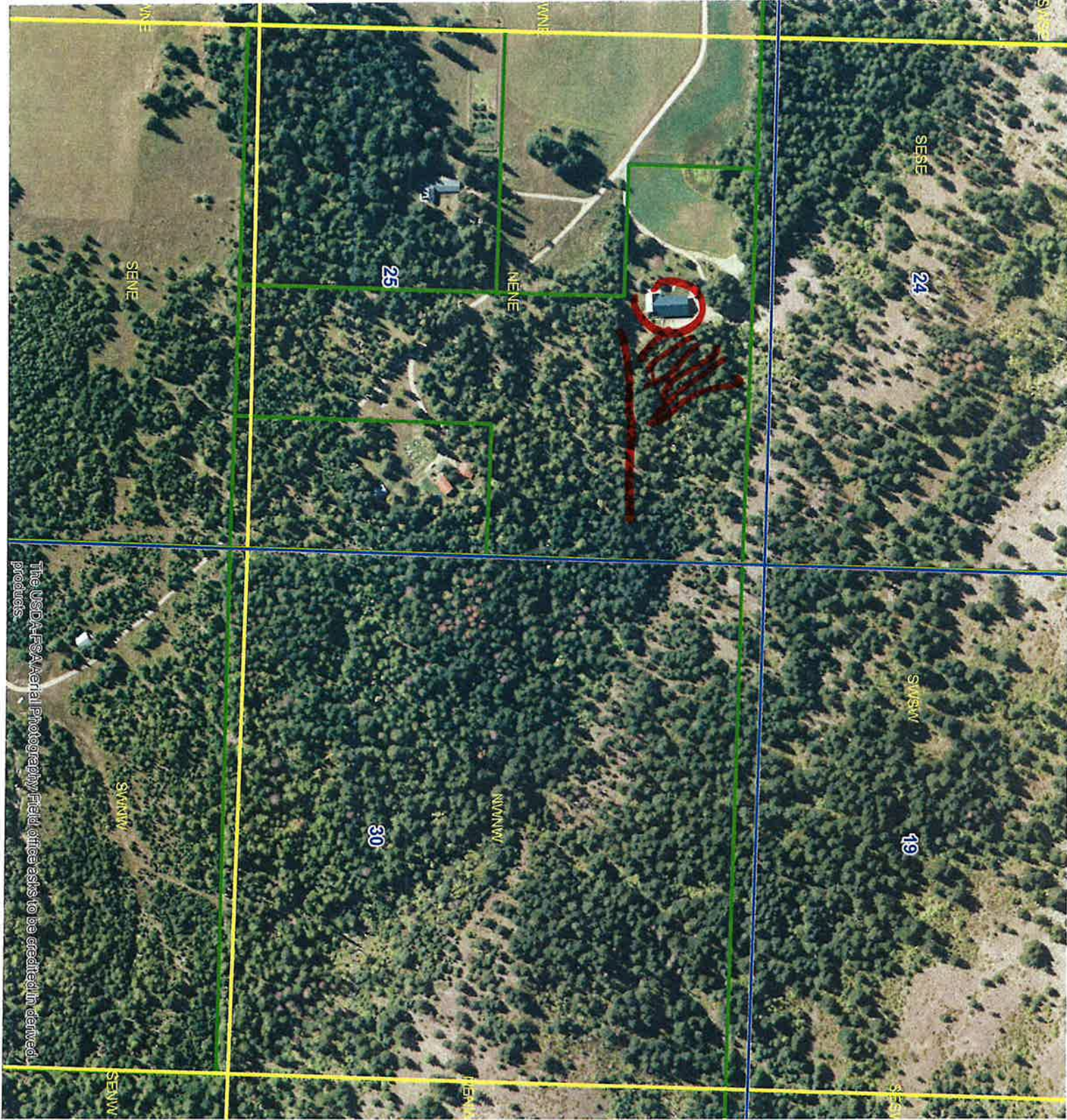
Date:

2-10-22



Date:

02-10-2022



The USDA-FSA Aerial Photography Field Office asks to be credited in derived products.

Authorization ID: SAN321  
Contact Name: 9 MULEYS WATER ASSOCIATION  
Expiration Date: 12/31/2024  
Use Code: 915

FS-2700-4 (VER. 03/17)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**SPECIAL USE PERMIT**

**Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

9 MULEYS WATER ASSOCIATION of PO BOX 189 C/O MARK & PATRICIA PARKER CLARK FORK ID 83811 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the IDAHO PANHANDLE NATIONAL FORESTS or Sandpoint Ranger District unit of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers .06 acres or .3 miles in the:

NW1/4NW1/4 Sec. 30, T. 56 N., R. 3 E., BOISE MERIDIAN,

("the permit area"), as shown on the map attached as Appendix A. This and any other appendices to this permit are hereby incorporated into this permit.

This permit issued for the purpose of:

*US*  
*Jess* **Operation and maintenance of three separate water transmission pipelines.** Waterline #1 and #2 service parcel RP56N02E250012A. These two waterlines are primarily used for domestic and irrigation. Waterline #3 services parcel RP56N02E250452A and is used seasonally, primarily for irrigation. All three waterlines have a right-of-way width of 10 feet.

- Waterline #1 is made up of a rock dam and approximately 50ft buried waterline.
- Waterline #2 is made up of a concrete dam/reservoir in Webb Canyon and approximately 800ft of above ground 2 inch black poly waterline. This waterline follows an old mining road for half the distance.
- Waterline #3 consists of a 3 inch aluminum pipe running from creek to a 50 gallon drum, then an above ground 1 inch black poly pipe. The total length is approximately 715ft.

**TERMS AND CONDITIONS**

**I. GENERAL TERMS**

**A. AUTHORITY.** This permit is issued pursuant to the FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

**B. AUTHORIZED OFFICER.** The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

**C. TERM.** This permit shall expire at midnight on 12/31/2024, Five (5) years from the date of issuance.

**D. CONTINUATION OF USE AND OCCUPANCY.** This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

**E. AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

**F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

**G. NON-EXCLUSIVE USE.** The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

**H. ASSIGNABILITY.** This permit is not assignable or transferable.

## **II. IMPROVEMENTS**

**A. LIMITATIONS ON USE.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

**B. PLANS.** All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

**C. CONSTRUCTION.** Any construction authorized by this permit shall commence by NA and shall be completed by NA.

## **III. OPERATIONS.**

**A. PERIOD OF USE.** Use or occupancy of the permit area shall be exercised at least 365 days each year.

**B. CONDITION OF OPERATIONS.** The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

**C. MONITORING BY THE FOREST SERVICE.** The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

## **IV. RIGHTS AND LIABILITIES**

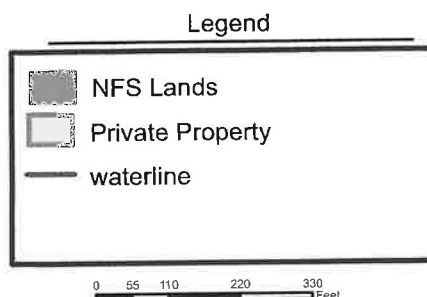
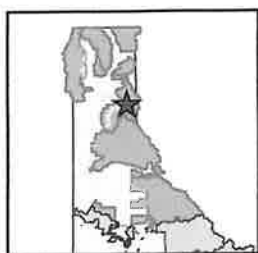
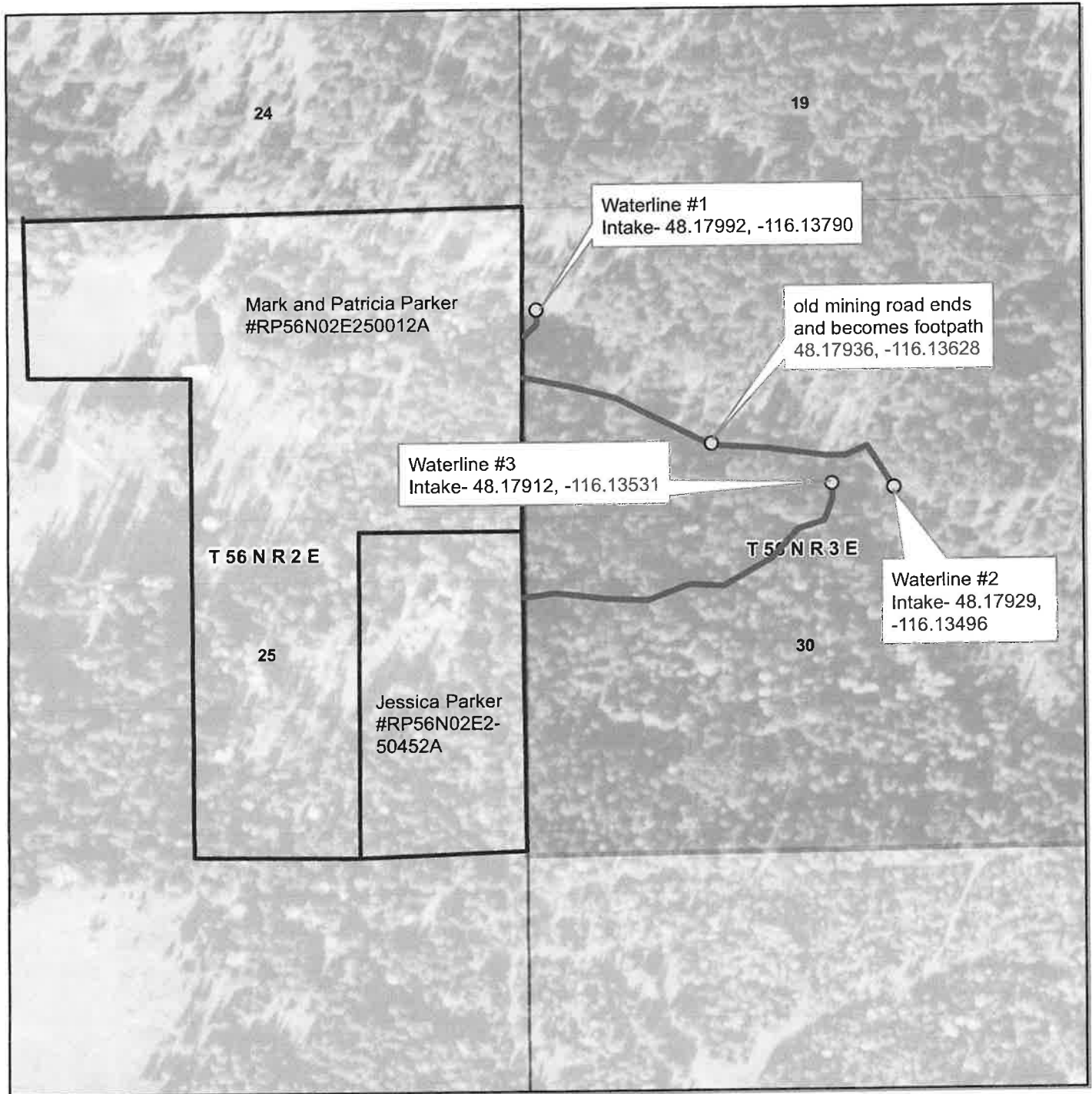
**A. LEGAL EFFECT OF THE PERMIT.** This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.



# Special Use Authorization - Exhibit A

Idaho Panhandle National Forests

Created by: John Thompson, Realty Specialist  
5/4/2020



## 9 Muleys Water Association

T56N, R3E, Sec 30

Authorization ID: SAN321

Use Code: 915