

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 96-7090
Date Received: 4/10/2022
Receipt No:

1. Name of Claimant(s):

Name	Address	City	State	Country	Postal Code
PARADISE VIEW HOMEOWNERS ASSN INC	105 EAGEN MOUNTAIN DR	HOPE	ID	USA	83836-9792

2. Date of Priority:

Date	Explanation
5/15/1972	Priority Date selected from Water Right License 96-7090.

3. Source:

Source	Tributary
UNNAMED STREAM	LAKE PEND OREILLE
UNNAMED STREAM	LAKE PEND OREILLE
UNNAMED STREAM	LAKE PEND OREILLE
UNNAMED STREAM	LAKE PEND OREILLE

4. Point of Diversion:

Township	Range	Section	Gov Lot	QQ	Q	County	Type	Description
57N	01E	21		NE	SE	BONNER		
57N	01E	21		SW	NE	BONNER		
57N	01E	21		SE	NE	BONNER		
57N	01E	21		NE	NE	BONNER		

5. Water is used for the following purpose(s):

Water Use	Number Of Homes	Stock	Description
DOMESTIC	32		Domestic use for 32 homes; Paradise View Estates and 8 other lots not originally part of the subdivision but are part of the Paradise View Estates Homeowners Assoc. and are served by the water system.

6. Season(s) of Use:

Water Use	From Month/Day	To Month/Day
DOMESTIC	1/01	12/31

7. Quantity:

Water Use	CFS	AF	KW
DOMESTIC	0.06	43.40	

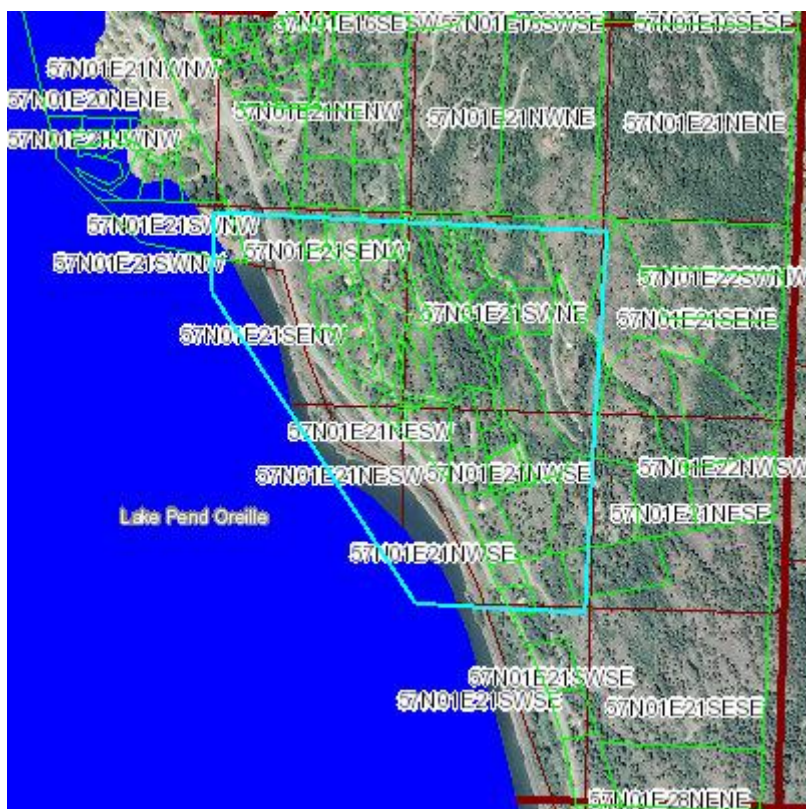
Totals

CFS	AF	KW
0.06	43.40	

8. Place of Use:

Water Use	Total Claimed Acreage
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DOMESTIC							
Township	Range	Section	QQ	Q	County	Govt Lot	Acres
57N	01E	21	SW	NE	BONNER		
57N	01E	21	SE	NE	BONNER		
57N	01E	21	NW	SE	BONNER	3	
57N	01E	21	SE	NW	BONNER	2	
57N	01E	21	SW	NW	BONNER	2	
57N	01E	21	NE	SW	BONNER	3	
57N	01E	21	SW	SE	BONNER	4	
57N	01E	21	SW	NW	BONNER		
57N	01E	21	SW	SE	BONNER		
57N	01E	21	NE	SW	BONNER		
57N	01E	21	SE	NW	BONNER		
57N	01E	21	NW	SE	BONNER		



9. **Remarks:**

10. Other Water Rights:

11. Basis:

Basis
License

12. **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 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: _____

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please print name

State of Idaho
Department of Water Resources

RECEIVED

APR 17 1981

WATER RIGHT LICENSE

License of Water Right No. 96-7090 Priority May 15, 1972

Department of Water Resources
Northern District Office
Amount 0.06 cfs

THIS IS TO CERTIFY, that RAY RAINERI
of Sandpoint, Idaho, has complied with the terms and conditions of Permit
No. 96-7090 issued pursuant to Application for Permit dated May 12, 1972,
and has submitted proof to the Department of Water Resources on June 12, 1980,
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 .06 cfs of water from an unnamed stream,
tributary to Pend Oreille Lake, 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
Domestic (40 units)	from January 1 to December 31	at .06 cfs and	43.4 acre feet
	from to at cfs and		
	from to at cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than .06 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
43.4 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 21, Twp. 57N, Rge. 1E, B.M. in the County of Bonner

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 $\frac{1}{4}$	
57N	1E	21					X	X	X	X									

Total number of acres irrigated _____

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 13th day of
April, 19 81.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant PARADISE VIEW HOMEOWNERS ASSOC INC. Phone 264-5490Post Office address PO A.K. FERGUSON 115 EAGEN MTN DR. HOPE, ID 83836**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. 238738 Decreed to RAY RAINER & GLOREEN RAINER
(Name)
in case of RAY & GLOREEN RAINER vs LEON & CLAIRE LEWIS
dated in 3-28-79 in FIRST JUDICIAL DIST county of BONNER
(Name of court)

b. License No. 96-7090 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired QUIT CLAIM DEED3. Source of water UNNAMED STREAM tributary to PEND OREILLE LAKE4. Date of priority 5-15-1972

5. Water is used for the following purposes:

amount 0.06 for DOMESTIC (40) purposes from 1-1 to 12-31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.06 cubic feet per second
b. 43.4 acre feet per annum
8/or

7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21
Township 57N Range 1E B.M., in BONNER County

Additional points of diversion, if any SW NE, NESE

8. Lands irrigated or 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 $\frac{1}{4}$	
<u>57N</u>	<u>1E</u>	<u>21</u>			<u>0</u>					<u>D</u>	<u>D</u>					<u>D</u>			

COPY MADE

Total number of acres irrigated _____

9. Describe any other water right used for the same purpose as described: NONE

10. To your knowledge, has any portion of this water right undergone a period of nonuse? NO If yes, describe in item _____

more consecutive years
RKS.

6. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information **NO CHANGE**

- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Description of diverting works _____

- c. Describe the reasons for the proposed changes _____

2. Change in point of diversion

Point of diversion NE ¼ NE ¼, Section 21 Township 57N
Range 1E, B.M., BONNGE County
Additional points SWNE, NESE, NESENE, SEC 21, T 57N, R 1E

3. Change in place of use **NO CHANGE**

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

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NO CHANGE

Total number of acres to be irrigated _____

- land involved by section, township and range number.

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 14th day of May, 19 87
A. K. Ferguson - President
Paradise View Homeowners Assoc
(Signature of Applicant)
Bonnie M. Stang
(Notary Public)

My commission expires Aug 20, 1992

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 96-7090
and said application is hereby APPROVED, subject to the following limitations and conditions:

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Witness my hand this 30th day of October, 19 87

A. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>JK</u>	Date <u>5/15/87</u>	Protest filed by <u>JK</u>
Prelim. check by <u>TK</u>	Fee <u>\$30.00</u>	
Receipted by <u>JK</u>	Date <u>38308 5/15/87</u>	
Published in <u>Landprint Bee</u>		Copies of protest forwarded by _____
Pub. dates <u>6/4 + 11/87</u>		Hearing held by _____ Date _____
Watermaster recommendation requested o _____		Recommended for <u>roval</u> denial
_____ rec'd. _____		by <u>JK</u> <u>Beck 6.5.</u>