

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: 96-9103Date Received: 5-6-22Receipt No: N039483Claim Fee: 2500 By: Ja

RECEIVED

MAY 06 2022

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) Mark & Susan Kubiak Phone (208) 946-8066
Mailing address PO Box 142 Dover ID Zip 83825
Street or Box City State
Email address (optional) 51markskubiak@gmail.com
- Date of priority: (Only one per claim) 06/07/1899 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other () (a) Carr Crk / Hornby Crk
which is tributary to (b) Pend Oreille river
- Location of point of diversion is: Township 57N, Range 02W, Section 30
NW SW SE 1/4 of SE 1/4, or Govt. Lot _____ BM, County of Bonner
NW Parcel no. # RPD 000003 0000 4A
Additional points of diversion, if any: _____
If available, GPS coordinates: _____
- Description of diverting works (wells, pumps, spring boxes, pipelines, 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.
Carr Crk - Pipe w/ headgate into ditch
Hornby Crk - Dam into ditch
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Irrigation purposes from 04/01 to 09/30 amount 0.93 cfs
Month/Day Month/Day cfs (X) or AFY ()
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.93 cfs (X) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
1

9. Location of place of use is: Township 57N, Range 03W, Section 30,
_____ 1/4 of _____ 1/4, Govt. Lot _____ BM, Parcel no. RPD 000003 0000 4A
If different than shown in Item 4
for (check one) ☒ Domestic ☐ Stock ☐ Domestic and Stock ☐

Additional places of use, if any _____

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 the 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.
springs/sinks or None ☐

13. Remarks (include an explanation of the priority date selected):
The record shows priority date of 6/7/1899

14. Basis of claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☒ ?
Court _____ Decree Date _____ Plaintiff v. Defendant statutory claim
If applicable provide IDWR Water Right Number 96-9103

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 ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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) [Signature] Date: 5/1/2022
x [Signature] Date: 5/1/22

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

_____ of _____
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 _____ Date _____

Printed Name of Authorized Agent _____

16. Notice of Appearance:

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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

4/28/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 96-9103

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK KUBIAK
Current Owner	SUSAN KUBIAK PO BOX 142 DOVER, ID 83825 2082639792
Original Owner	MARGUERITE SHERWOOD HCR 68 BOX 26 SANDPOINT, ID 83864
Original Owner	RUTH M SHERWOOD
Original Owner	WILLIAM N SHERWOOD
Original Owner	GAIL R CURLESS
Original Owner	PAUL CURLESS
Original Owner	D L SHERWOOD
Original Owner	R W SHERWOOD
Original Owner	VALERI E SHERWOOD RT 2 BOX 219 SANDPOINT, ID 83864

Priority Date: 06/07/1899

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
CARR CREEK	PEND OREILLE RIVER
HORNBY CREEK	PEND OREILLE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volur</u>
IRRIGATION	04/01	09/30	0.93 CFS	

total Diversion | | 0.93 CFS |

Location of Point(s) of Diversion:

HORNBY CREEK | NWSW | Sec. 30 | Township 57N | Range 02W | BONNER County

CARR CREEK | NWSE | Sec. 14 | Township 57N | Range 03W | BONNER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
57N	02W	30		NESE	12		SESE	20						

Place of Use Legal Description: DOMESTIC BONNER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
57N	02W	30		NESE	12		SESE	20						

Total Acres: 64

Conditions of Approval:

1. | SOURCES ARE HORNBY CK. LOCALLY KNOWN AS COLD SPRINGS CK. CARR CK. LOCALLY KNOWN AS RINER CK., TRIB. TO PEND OREILLE R

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number: