

# 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: 910-9577Date Received: 5-6-22Receipt No: N039483Claim Fee: 25.00 By: Ja

RECEIVED

MAY 06 2022

DWR / 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

1. 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
2. Date of priority: (Only one per claim) 07/01/2015 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ( ) or Other ( ☒ ) (a) Pend Oreille river  
 which is tributary to (b) Columbia river
4. Location of point of diversion is: Township 57 N, Range 02 W, Section 32,  
NE 1/4 of NW 1/4, or Govt. Lot 1 BM, County of Bonner;  
 Parcel no. # RPD00000322775A  
 Additional points of diversion, if any: \_\_\_\_\_  
 If available, GPS coordinates: \_\_\_\_\_
5. 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.  
Pump
6. Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)  
 For Domestic purposes from 01/01 to 12/31 amount 0.01 CFS  
Month/Day Month/Day cfs ( ) or AFY ( )  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
7. Total quantity claimed 0.01 cfs ( ) or AFY ( )
8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)  
1

9. Location of place of use is: Township 57 N, Range 03 W, Section 32  
NE 1/4 of NW 1/4, Govt. Lot 1 BM, Parcel no. # RPD00000322775A  
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.  
\_\_\_\_\_ or None ☒

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

Permit approved date

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 96-9577

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) \_\_\_\_\_

Date: 5/1/2022

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. 96-9577

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
|-------------------|-------------------------|

|               |               |
|---------------|---------------|
| Current Owner | MARK S KUBIAK |
|---------------|---------------|

|               |                                                               |
|---------------|---------------------------------------------------------------|
| Current Owner | SUSAN F KUBIAK<br>PO BOX 142<br>DOVER, ID 83825<br>2089468066 |
|---------------|---------------------------------------------------------------|

Priority Date: 07/01/2015

Basis: License

Status: Active

| <u>Source</u>      | <u>Tributary</u> |
|--------------------|------------------|
| PEND OREILLE RIVER | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC              | 01/01       | 12/31     | 0.01 CFS              |               |
| Total Diversion       |             |           | 0.01 CFS              |               |

Location of Point(s) of Diversion:

PEND OREILLE RIVER|NENW Lt 1|Sec. 32|Township 57N|Range 02W|BONNER County

DOMESTIC Use:

Number of homes: 1

Place(s) of use:

Place of Use Legal Description: DOMESTIC BONNER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 57N             | 02W          | 32             | 1          | NENW         |              |            |              |              |            |              |              |            |              |              |

Conditions of Approval:

2. 187 The irrigation occurring under this domestic use shall not exceed 1/2 acre.
3. X15 A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. 004 This right does not grant any right-of-way or easement across the land of another.

**Dates:**

Licensed Date: 10/25/2018

Decreed Date:

Permit Proof Due Date: 11/1/2018

Permit Proof Made Date: 9/7/2018

Permit Approved Date: 10/16/2015

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/01/2015

Protest Deadline Date: 08/24/2015

Number of Protests: 0

**Other Information:**

State or Federal:

Owner Name Connector: And/Or

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False