

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: 97-7506

Date Received: 6/01/2022

Receipt No: N039844

Claim Fee: \$54.00 By: CH

RECEIVED

JUN 01 2022

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/NORTH

Please type or print clearly

1. Name of claimant(s) CITYSERVICEVALCON, LLC Phone (406) 751-4613
Mailing address P.O. BOX 1 KALISPELL MT Zip 59903
Street or Box City State
Email address (optional) kary.tonjum@cityservicevalcon.com
2. Date of priority: (Only one per claim) July 25, 2011 (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 56N, Range 05W, Section 20,
SW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP028140000020A
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- 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.
Well: drilled 08/1994. Well depth is 675 feet per Well Driller's Report/Drilling Permit No. 97-94-N-60, 3 hp pump
with 1.25 inch pipe. Pipelines to places of use (see No. 9).

6. Water is claimed for the following purposes:

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

For Domestic purposes from 01/01 to 12/31 amount .04 or 1.2

For Commercial purposes from 01/01 to 12/31 amount .04 or 1.4

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .04 (cfs) and/or (b) 2.6 (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 is for one home. Commercial use is for a store & office/warehouse.

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	
56N	05W	20															X		
		29		X,L6			X,L7												

Parcel no(s). Listed in No. 13 Remarks 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):

See Attachment for Remarks on items no. 2, 4, 9, and 11. MAP OF PROJECT: see attached plat map which shows the location of the well (point of diversion) and locations of use. We are claiming the entirety of the license as it was licensed.

LIST OF ATTACHMENTS:

1/ ATTACHMENT TO NOTICE OF CLAIM TO A WATER RIGHT

2. PLAT MAP OF "MUZZY'S FIRST"

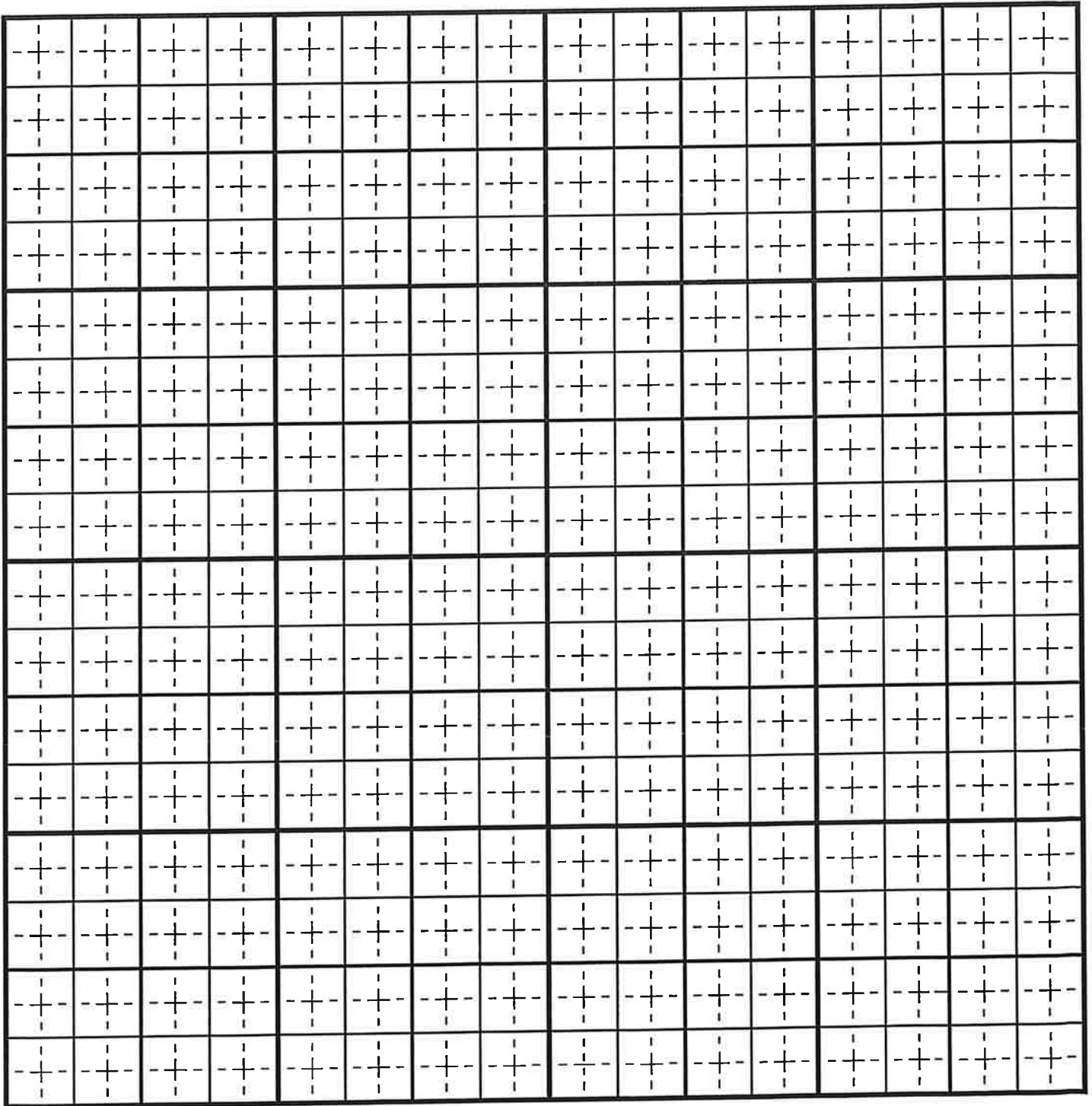
3. LICENSE TO APPROPRIATE WATER NO. 97-07506

Name of claimant(s) CITYSERVICEVALCON, LLC

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) CITYSERVICEVALCON, LLC 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 97-07506

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: 3

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

V P OPERATIONS of CITYSERVICEVALCON, LLC
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 [Signature] Date MAY 26, 2022

Printed Name of Authorized Agent KARY TONJUM

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Frank J. Gebhardt, 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 [Signature] Date May 31, 2022

Address 421 W Riverside Avenue, Suite 1600, Spokane, WA 99201

Name of claimant(s) CITYSERVICEVALCON, LLC Claim ID _____

ATTACHMENT TO
NOTICE OF CLAIM TO A WATER RIGHT

NAME OF CLAIMANT: CITYSERVICEVALCON, LLC

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

Item No. 2: Priority date of July 25, 2011 is from State of Idaho, Department of Water Resources, Permit to Appropriate Water No. 97-07506.

Item 4: Point of diversion is in a platted subdivision, as follows: MUZZY'S FIRST, Lot 2, [no block number], recorded in Book 6 of Plats, page 80, records of Bonner County, Idaho.

Item No. 9: Parcel no(s):

Lot 1 of Muzzy's First: RP028140000010A

Lot 2 of Muzzy's First: RP028140000020A

Lot 3 of Muzzy's First: RP028140000030A

Boles property: RP56N05W292400A

No. 11: The Claimant owns Lot 2 of Muzzy's First (see attached plat) upon which the well is located. Parcel No. RP028140000020A. A Water Well Agreement was entered into by the Claimant and Donald O. Boles and Kay Boles, husband and wife (the "Boles") and recorded February 28, 2011 as Bonner County Instrument No. 806422. At that time, the Claimant owned Lots 1, 2 and 3 of Muzzy's First, and the Boles owned a residence immediately to the West of Lot 1, said residence being Parcel No. RP45N05W292400A, with a site address of 2411 Highway 2. By that Agreement, the parties set forth the terms by which the Claimant granted the Boles the right to use water from the well

(located on Claimant's Lot 2) for domestic purposes only for a single family residence located on the Boles' property.

In July 2011, the Claimant sold Lot 1, being Parcel No. RP028140000010A, to JV Properties, LLC ("JV Properties"). A Supplement to Water Well Agreement was entered into by the Claimant and JV Properties and recorded July 5, 2011 as Bonner County Instrument No. 811939. By that Supplement, JV Properties was granted the right to use well water from Claimant's well [located on Lot 2] for J V Properties' convenience store [located on Lot 1] and J V Properties agreed to be bound by the aforementioned Water Well Agreement entered into by the Claimant and the Boles.

At present:

Lot 1 of Muzzy's First [Parcel No. RP028140000010A] is owned by JV Properties, LLC, whose address is:

P.O. Box 529, Veradale, WA 99037-0529.

Lot 2 (where the well is located) [Parcel No. RP028140000020A] and Lot 3 [Parcel No. RP028140000030A] of Muzzy's First are both owned by the Claimant, whose address is P.O. Box 1, Kalispell, MT 59903.

The site address of the Boles' property [RP45N05W292400A] is 2411 Highway 2, and their mailing address is P.O. Box 3576, Oldtown, ID 83822.

MAP OF PROJECT: See Plat Map of Muzzy's First attached.

Name of Claimant: CITYSERVICEVALCON, LLC

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 97-07506

Priority: July 25, 2011

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 2.6 AF

It is hereby certified that CITYSERVICEVALCON LLC
PO BOX 1
KALISPELL MT 59903 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 25, 2011; and has submitted Proof of
Beneficial Use on November 02, 2011. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
COMMERCIAL	01/01 to 12/31	0.04 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SE1/4 Sec. 20, Twp 56N, Rge 05W, B.M. BONNER County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 05W 29					X												
					L 7												

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N 05W 20															X		
56N 05W 29			X														
			L 6														

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.
- This right does not grant any right-of-way or easement across the land of another.
- Commercial use is for a store.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 12th day of March, 2014.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

97-7506

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.0125 0.025 0.05 Miles



State of Idaho
Department of Water Resources

Attachment To Water Right License

97-7506

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

05W



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.0225 0.045 0.09 Miles

