

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
RECEIVED

CIVIL CASE NUMBER: 69576

Claim ID: 97-4070

Date Received: 6-10-2022

Receipt No: N039984

Claim Fee: 106.00 By: NS

JUN 10 2022

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Sundance Condominium Association Phone (509) 924-0280
Mailing address c/o 194 Sundance Loop Road, Unit 4A, Nordman, Idaho Zip 83843
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) 01/01/1950 (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 61N, Range 04W, Section 16,
SW 1/4 of SW 1/4, Govt. Lot 6, BM, County of Bonner
Parcel no. See Remarks paragraph 13 and attachments.
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.
2 Wells, pump, pipeline. System consists of well and waterlines to the condominium units

6. Water is claimed for the following purposes:

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

For Domestic (14 Units) purposes from 01/01 to 12/31 amount 0.56 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.56 (cfs) and/or (b) (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Domestic - 14 Residential Condominium Units (0.04 cfs x 14)

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
61N	04W	16															L6 D		2+-
61N	04W	21						L2 D											5+-

Parcel no(s). See Remarks paragraph 13 and attachments. Total number of acres irrigated 7+-

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):

Sundance Condominium Association consists of 14 residential units constructed in 1980. Property previously Barriers Resort consisting of 22 manufactured homes and 1 residence..

See Attachment To Notice Of Claim To A Water Right (2 pages) for parcel numbers, condominium numbers, and unit owner information.

See attached Map 1 and Map 2.

Water Right No. 97-4070 (Owen L. Raine) - See attached Water Right Report & Documents (10 pages)

Name of claimant(s) Sundance Condominium Association

Claim ID

Scale: 2 inches equals 1 mile

[illegible]

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 97-4070

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: 4 total (14 pages total)

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

Member of Sundance Condominium Assoc.
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 Randall J McNeice Date June 6, 2022

Printed Name of Authorized Agent RANDALL J McNeice

16. Notice of Appearance:

Notice is hereby given that I, (please print) John A. Finney, Attorney at Law, 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 John A. Finney ISB No. 5413 Date 6/8/2022

Address 120 E. Lake St, Ste 317, Sandpoint, Idaho 83864

Name of claimant(s) Sundance Condominium Association Claim ID _____

Attachment to Notice Of Claim to A Water Right – Page 1

Name of Claimant(s): Sundance Condominium Association

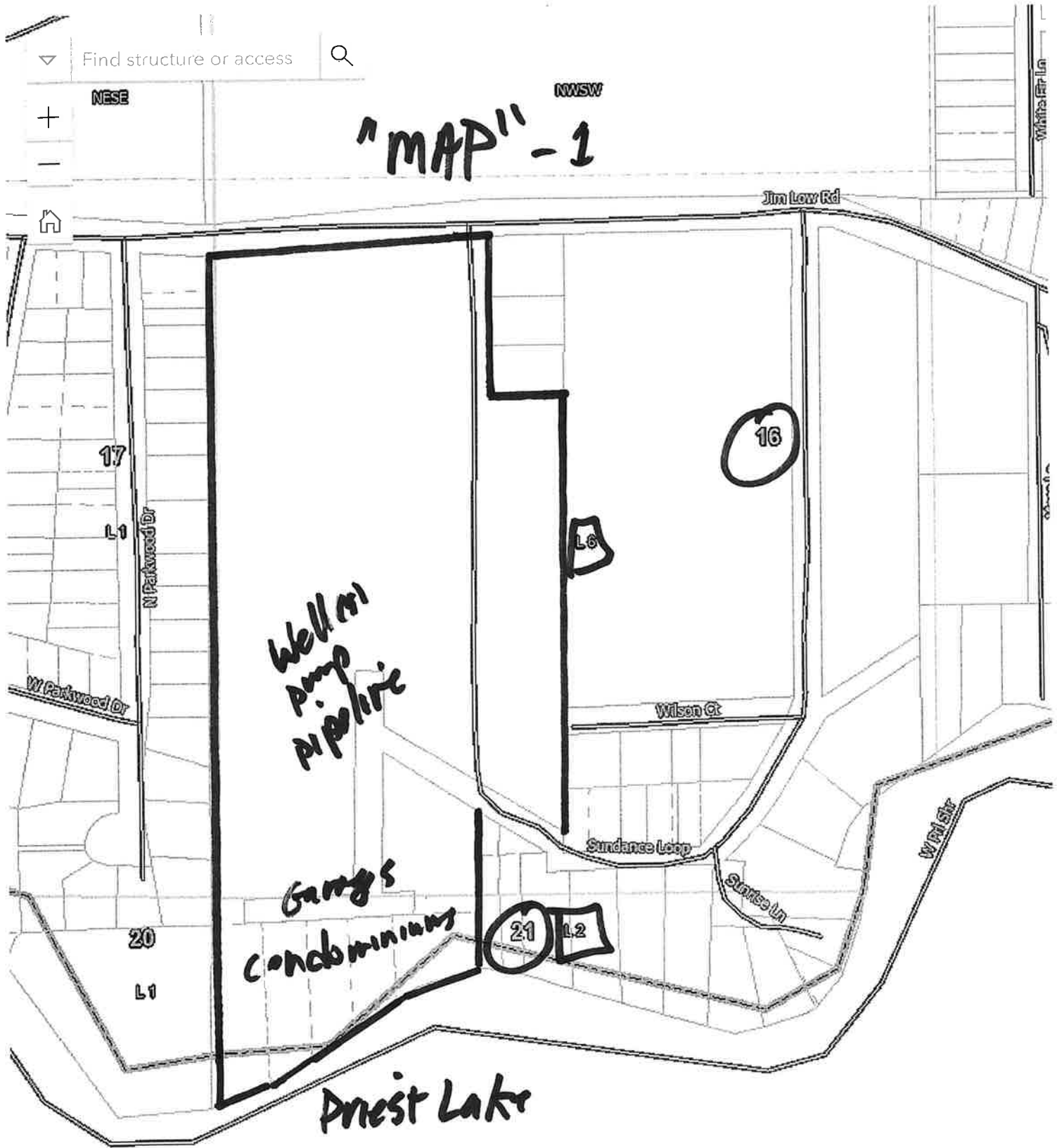
Claim ID _____

<u>Bonner County Parcel No.</u>	<u>Condominium No.</u>	<u>Owner(s)</u>
RP0027C00100A0A	1A	Janet and Randy McNeice 5811 S Mohawk Dr Spokane, WA 99206 randy@intermountainleasing.com
RP0027C00100B0A	1B	Ryan and Sarah McNeice 3616 S. Sunderland Road Spokane, WA 99206 ryan@mcneicewheeler.com sarahmcneice@gmail.com
RP0027C00200A0A	2A	Brad and Jackie McNeice 15639 10 th Ave SW Burien, WA 98116 Mcneice.brad@yahoo.com
RP0027C00200B0A	2B	Ron Zastrow 275 Main Street Suite 203 Edwards, CO 81632 info@zastrowdentistv.com
RP0027C00300A0A	3A	Tim Murphy 1304 N River Vista Street Spokane, WA 99224 Tmurp43@comcast.net
RP0027C00300B0A	3B	Dorothy Novell 1826 E Thurston Spokane, WA 99203 dorothynovell@gmail.com
RP0027C004100A0A	4A	Rick Rawlings S 1912 Vercler Spokane, WA 99216 Rickr449@gmail.com
RP0027C00400B0A	4B	Gary and Jennifer Price P.O. Box 9085 Spokane, WA 99209 Gprice1020@gmail.com

Name of Claimant(s): Sundance Condominium Association

Claim ID _____

<u>Bonner County Parcel No.</u>	<u>Condominium No.</u>	<u>Owner(s)</u>
RP0027C00500A0A	5A	Gary and Jennifer Price P.O. Box 9085 Spokane, WA 99209 Gprice1020@gmail.com
RP0027C00500B0A	5B	Kerry and Pam Novell 2412 W Summit Pkwy Spokane, WA 99209 pjnovell@windermere.com
RP0027C00600A0A	6A	Jim and Janet Pittman 5117 S Woodfield Ln Spokane, WA 99223 janetpittmann@gmail.com
RP0027C00600B0A	6B	Joan McWilliams 7536 Rhythmic Ln Melbourne, FL 32940 Jelkins50@mail.com
RP0027C00700A0A	7A	Eric and Molly Franks 331 Boundary Street Sewickley, PA 15143 mollymurphy@eaton.com ericfranks@eaton.com
RP0027C00700B0A	7B	Eric and Molly Franks 331 Boundary Street Sewickley, PA 15143 mollymurphy@eaton.com ericfranks@eaton.com



Sundance Condominium Assoc.
map 1





Sundance Condominium Assoc.
Map 2



Powered by Esri

1:4513

A row of icons for map navigation: a grid of squares, a stack of layers, a wrench and screwdriver, a person icon, a circle with an X, a trash can, and a left arrow.

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/9/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 97-4070

*Sundance
Condominium
Association
(10 pages)*

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OWEN L RAINE RT 5 BOX 160 PRIEST RIVER, ID 83856

Priority Date: 01/01/1950

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SWSW | Sec. 16 | Township 61N | Range 04W | BONNER County

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>
61N	04W	16		SWSW										
		21	2	NWNW										

Conditions of Approval:

1. || ORGANIZATION - BARRIERS RESORT 2 P/D IN SWSW, S16, T61N, R4W.

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:

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

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
 Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that OWEN L. RAINE (name of claimant)
 of PLS Bx 140, Priest River Id. (mailing address) 83844, claims a right to the diversion and beneficial use of
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Groundwater (2pts), tributary to, _____
 (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 0.04 Use Domestic Period of Use: From Jan 1 To Dec 31
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 0.04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) → IN 1950

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW 1/4 SW 16, Sec. 16 Twp. 61N Rge. 4W B.M. County of Benewah
 Additional points of diversion: (2pts)

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible: 2 Wells, pump & pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
61N	4W	16											X						
61N	4W	21						X (GL2)											

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

22 Trailers & one house

- (7) If you are claiming water as a member of an organization, list name of organization: _____

Barriers Resort.

MICROFILMED

A hand-drawn map on a grid background. The map depicts a coastline with several features labeled. At the top, a line represents a shoreline with the label 'SCC 16' below it. Below this, a point is marked with an arrow and the label 'swells (PD)'. Further down, a point is labeled 'Place of first V. ke'. Below this, another point is labeled 'SCC 21'. At the bottom left, a bay is labeled 'Reeder Bay'. A large, bold label 'PRIEST' is written across the bottom of the map.

Received by Jan Date 2/6/79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ISK Date 2/12/79 claimant by: _____
\$20.00 fee received by Jan Date 2/7/79 13422
Approved for publication by Jan 2/7/79 _____
Published in Family Business _____
Dates 2/5-22/79 _____

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Claim to Water Right No 97-4070

as it was published in the regular and entire issue of said paper
for a period of Two consecutive weeks, commencing on
the 15 day of FEBRUARY, 1979,
and
ending on the 22 day of FEBRUARY, 1979,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

13 day of MAY, 1979.

William Thompson

Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that
the following claim(s) to water
right(s) have been established
by diversion and application to
beneficial use:

97-4070

Name: RAINE, OWEN L.
Address: ROUTE 5, BOX 160,
PRIEST RIVER, ID 83856

Source: GROUNDWATER

Priority Date: 01-01-1950

Amount: 0.04 CFS

Diversion Point: SWSW
SWSW Sec 16 T 61N R 04W,
BONNER Co.

Use: DOMESTIC (0.04 CFS)
from 01-01 to 12-31

Place of Use: SWSW Sec 16 T
61N R 04W LOT 02 Sec 21 T 61N
R 04W

Diversion Means: 2 WELLS,
PUMP & PIPELINE

Any exception to any claim of
water right may be filed with
the Director of the Idaho
Department of Water
Resources, 4055 Gov't Way,
Coeur d'Alene, Id, 83814.

C. STEPHEN ALLRED
Director

Published 2-15 and 2-22-79.

OK
3/14/79

RECORDED
INDEXED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number

97-4070

Applicant

Owen Raine

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By

pm

Date

3/17/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Jm

Date

3/22/79

MICROFILMED

97-4070

RAINE, OWEN L.

ROUTE 5, BOX 160, PRIEST RIVER, ID 83856

Source: GROUNDWATER

Priority Date: 01/01/1950

Amount: 0.04 CFS

Diversion Point: SWSW SWSW Sec 16 T 61N R 04W, BONNER Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWSW Sec 16 T 61N R 04W LOT 02 Sec 21 T 61N R 04W

Diversion Means: 2 WELLS, PUMP & PIPELINE.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6494

MARCH 5, 1979

OWEN L. RAINE
ROUTE 5, BOX 160
PRIEST RIVER ID 83856

RE: Claim No. 97-4070

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

RECEIVED
MARCH 10 1979

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

February 7, 1979

Mr. Owen L. Raine
Route 5, Box 160
Priest River, Idaho 83864

RE: 97-4070

Dear Mr. Raine:

Enclosed is Receipt No. 13422 in the amount of \$20.00 which was received by this office for the filing fee on the above-referenced item.

Sincerely,

Patrioia M. Styrpa

PMS

Enclosure

MICROFILMED