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AUG 24 2022

DEPARTMENT OF
WATER RESOURCES

Form No.42-1409-1 (Internet 06/21)

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: 96-0009

Date Received: 8-24-2022

Receipt No: C113781

Claim Fee: \$1050 By: CLS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) City of Sandpoint Phone (208) 263-3317
Mailing address 1123 W LAKE ST SANDPOINT ID 83864
Street or Box City State Zip
Email address (optional) cmchugh@mchughbromley.com
2. Date of priority: (Only one per claim) 09/26/1903 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) LITTLE SAND CREEK
which is tributary to (b) SAND CREEK
4. a. Location of point of diversion is: Township 57N, Range R2W, Section 4,
NW 1/4 of NE 1/4, Govt. Lot _____, BM, County of BONNER COUNTY
Parcel no. _____
Additional points of diversion, if any: T57N, R2W Section 23 SWNW and 2 PODS in NWSW
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.
The City will continue to divert water from Section 4 which is a gravity flow system that can divert up to 15 cfs.
There is a 30 HP Berkley pump at the SWNW POD that irrigates 13 ACRES; there are 2 7.5 HP pumps located
at the NWNW POD that irrigate 15 acres. PODs have been in place before 2004 to water City Beach Park.

SCANNED

SEP 20 2022

6. Water is claimed for the following purposes:

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

For MUNICIPAL purposes from 1/1 to 12/31 amount 10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10 (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.) _____

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	

Parcel no(s) SERVICE AREA OF CITY OF SANDPOINT 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):

THIS WATER RIGHT WAS DECREED TO THE SANDPOINT WATER & LIGHT CO IN SANDPOINT WATER AND LIGHT COMPANY V. PANHANDLE SMELTING COMPANY IN BONNER COUNTY ON DECEMBER 3, 1909. A CHANGE OF OWNERSHIP WAS FILED AND APPROVED BY IDWR ON OR ABOUT JULY 15, 2006.

THE 3 ADDITIONAL POINTS OF DIVERSION HAVE BEEN IN PLACE SINCE 2004 AND SHOULD BE RECOGNIZED AS ACCOMPLISHED CHANGES IN POINTS OF DIVERSION UNDER IDAHO CODE 42-1425 (2) AS THE WATER DIVERTED IS USED FOR MUNICIPAL PURPOSES TO IRRIGATE CITY BEACH PARK SINCE APPROXIMATELY 1922.

Name of claimant(s) CITY OF SANDPOINT Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court 8TH JUD DIST Decree Date DEC. 3, 1909 Plaintiff v. Defendant SANPOINT LIGHT V PANHAN

If applicable provide IDWR Water Right Number 96-0009

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: DECREE & MAP

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.

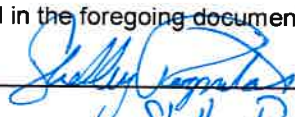
Signature of Claimant (s) _____ Date: _____

_____ 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

MAYOR _____ of CITY OF SANDPOINT, IDAHO
Agent's title (Please print) Name of organization (Please print)

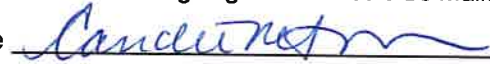
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 8/12/22

Printed Name of Authorized Agent Shelby Rognstad

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) CANDICE MCHUGH, 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  Date 8/17/2022

Address 380 S 4TH ST., STE 103, BOISE, ID 83702

Name of claimant(s) CITY OF SANDPOINT Claim ID _____

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96-B

Compared Indexed

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER.

Sandpoint Water and Light Company,
a corporation, Plaintiff.

vs.

Panhandle Smelting Company, Limited,
a corporation, Defendant.The Idaho Smelting and Refining
Company, Intervenor.

D E C R E E.

SCANNED

APR 18 2007

This cause coming on for hearing before the court this 3rd day of December, A. D. 1908, on plaintiff's application for a final decree herein, W. H. Smiley and Chas. L. Heitman appearing for the plaintiff; and it appearing to the court from the files and records herein that the parties hereto have stipulated that the allegations contained in plaintiff's complaint and supplemental complaints are true, and that a final decree be entered herein in favor of the plaintiff adjudging that plaintiff has, by virtue of its Water License Number 230, issued to it by the State Engineer of Idaho on the 14th day of October, 1908, and recorded in the office of said State Engineer at Boise, Idaho, in Book One (1) of Licenses, at Page 276, the prior right to the use of ten (10) cubic feet per second of the waters of the west branch of Sand Creek, in the County of Bonner and State of Idaho, for the purpose of supplying the City of Sandpoint, Bonner County, Idaho, and the inhabitants thereof, with water; also the prior right to the use of said waters for power purposes and domestic uses; and the prior right to divert said waters for said purposes, plaintiff's point of diversion being located in the northeastquarter of section four (4), in township fifty-seven (57) north, Range two (2) West of the Boise meridian, in the County of Bonner, State of Idaho; that said decree quiet the plaintiff's title thereto; that findings of fact and conclusions of law be dispensed with; and that said decree provide that none of the parties hereto recover costs; and the Court being fully advised in the premises: Now, therefore;

JUL 21 1996

96 0009

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff herein, the Sandpoint Water and Light Company, a corporation, has, by virtue of its Water License Number 230, issued to it by the State Engineer of Idaho on the 14th day of October, 1908, and recorded in the office of said State Engineer at Boise, Idaho, in Book One (1) of licenses, at page 376, the prior right to the use of ten (10) cubic feet per second of the waters of the west branch of Sand Creek, in the County of Bonner and State of Idaho, for the purpose of supplying the City of Sandpoint, Bonner County, Idaho, and the inhabitants thereof, with water; and also has the prior right to the use of said ^{waters} for power purposes and domestic uses; and the prior right to divert said waters for said purposes, plaintiff's point of diversion being located in the Northeast quarter of section four (4), in Township fifty-seven (57) north, range two (2) west of the Boise Meridian, in the County of Bonner, State of Idaho; and plaintiff's prior right and title in and to the use of said waters is hereby quieted against all claims, demands or pretensions of the defendant and intervenor, or either of them who are hereby perpetually estopped, restrained and enjoined from setting up any adverse claims thereto, or to any part thereof, and perpetually estopped, restrained and enjoined from in any manner interfering with or molesting such prior rights of the plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that findings of fact and conclusions of law be dispensed with, and that none of the parties hereto recover costs.

Done in open court this 3rd day of December, A. D. 1909.

R. N. Dunn,

Judge.

The above Decree is hereby approved.

Cannon & Lee, Attorneys for Defendant.

Cannon & Lee, Attorneys for Intervenor.

RECORDED
JUL 31 1996

STATE OF IDAHO,)
 :SS.
COUNTY OF BONNER.)

I, Ignatz Weil, Clerk of the District Court of the Eighth
Judicial District of the State of Idaho, in and for Bonner County,
do hereby certify that the foregoing is a full, true and correct
copy of the Decree entered in the above entitled action on the 3rd
day of December, 1909.

Ignatz Weil, Clerk of District Court.

STATE OF IDAHO,)
 :SS.
COUNTY OF BONNER.)

Filed December 3rd, 1909 at _____ o'clock ____ M.

Ignatz Weil,

Clerk of District Court,

By Robt. S. McCrea, Deputy.

RECORDED
JUL 31 1996

