

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: 910-4055

Date Received: 8-19-22

Receipt No: N040848

Claim Fee: 8500 By: ja

AUG 19 2022

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/NORTH

Please type or print clearly

- Name of claimant(s) Evalyn Finney (Surviving Spouse of William E. Finney) Phone (____) _____
Mailing address 11815 N. Boyer, Sandpoint, Idaho Zip 83864
Street or Box City State
Email address (optional) _____
- Date of priority: (Only one per claim) 08/19/1961 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Schweitzer Creek
which is tributary to (b) Sand Creek
- a. Location of point of diversion is: Township 58N, Range 02W, Section 35,
SW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP58N02W351350A
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 _____
- 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.
sump reservoir along creek, buried pipeline, & pump

6. Water is claimed for the following purposes:

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

For Domestic (7 Residences) purposes from 1/01 to 12/31 amount 0.28 or _____

For Irrigation purposes from 6/15 to 9/15 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (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 - 7 Residences (0.04x7=0.28)

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	
58N	02W	35										7							7
58N	02W	35										Res			Res		Res		

Parcel no(s). RP58N02W351601A; 7900A 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):

~~I own and family members own the parcels listed for place of use. Third parties also own parcels.~~
Priority dates at the time of the 1973 claim were 0.02 cfs 8-19-1961 and 0.14 cfs 9-19-1964.
~~See attached Water Right Report and related documents No. 96-4055 (16 pages)~~

Name of claimant(s) Finney, Evalyn

Claim ID _____

Scale: 2 inches equals 1 mile

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 96-4055

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: 16 pages

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) Evelyn L. Finney Date: 8/17/2022

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

_____ 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) 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 Date 8/17/2022
FSB/W 5413

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

Name of claimant(s) _____ Claim ID _____

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/9/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 96-4055

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM E FINNEY RT 1 BOX 129 SANDPOINT, ID 83864

Priority Date: 08/19/1961

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SCHWEITZER CREEK	SAND CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	6/15	9/15	0.16 CFS	
DOMESTIC	1/01	12/31		
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

SCHWEITZER CREEK|SWNE|Sec. 35|Township 58N|Range 02W|BONNER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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>
58N	02W	35		NWSW	7									

Total Acres: 7

Conditions of Approval:

1. || PRIORITY DATES ARE 8-19-1961 OF .02 CFS & 8-19-1964 OF .14 CFS.

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

Identification No. 96-4055

Claim No. _____

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant William E. Finney
post office address Rt. 1, Box 129, Sandpoint, ID 83864

2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 35 Township 58N
Range 2W B.M. located on Schweitzer Creek
(name of source)

tributary to _____ in Bonner County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

<u>August 19, 1961</u>	amount: <u>0.02</u> c.f.s. or _____ acre feet
<u>August 19, 1964</u>	amount: <u>0.14</u> c.f.s. or _____ acre feet
_____	amount: _____ c.f.s. or _____ acre feet
Total claimed <u>0.16</u> c.f.s. or _____ acre feet.	

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use Irrigation period of use from June 15 to Sept. 15 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of sump reservoir along creek, concrete blocks; length is _____ feet; height is _____ feet; width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known 1600 feet of plastic pipe, 3 inch diameter and new pump installed in 1971.

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

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has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 7

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

Affidavit of Publication

STATE OF IDAHO, }
County of Bonner, } ss.

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim to a Water Right, No.
96-4055, filed by William E. Finney, Rt.
1, Box 129, Sandpoint, Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 26th
day of April, 1973, and end-
ing on the 3rd day of May,
1973, and that said notice was published in said
newspaper, and not in supplemental form.

Subscribed and sworn to before me this

16th day of May, 1973.

Phyllis Gault
Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4055

Notice is hereby given that
William E. Finney, Route 1,
Box 129, Sandpoint, Idaho has
filed a claim to a water right
established by diversion and
application to beneficial use of
0.16 cubic feet per second of
water from Schweitzer Creek
with point of diversion in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 58N,
R. 2W, B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic purposes; and
from June 15 to Sept. 15 for
the irrigation of 7 acres with a
priority of Aug. 19, 1961 (0.02
cfs); Aug. 19, 1964 (0.14 cfs);
the place of use is within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 58N,
R. 2W, B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, 401 Front Ave-
nue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on April 26 and May 3,
1973. A26-M3

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

William E. Finney
Rt. 1 Box #129
Sandpoint, Idaho 83864

Dear Mr. Finney

We are returning your Claim to an Existing Water Right along with your personal check #92-58 in the amount of \$10.00. Please notice that we have deleted the 1971 priority from the Claim. You should file an Application for Permit to cover the 2 acres that you first irrigated in 1971. This application is enclosed.

Please check all items on our typed Claim and if there are no errors, have your signature notarized and return to our Department.

If you should have any questions, please feel free to contact us.

Very truly yours,

Fred Eisenbarth
Water Resource Supervisor 1

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 23, 1973

Re: Claim to a Water Right No. 96-4055

William E. Finney
Route #1, Box 129
Sandpoint, ID 83864

Dear Mr. Finney:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1973

Re: Claim No. 96-4055 - William E. Finney

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Could you please submit the affidavit of publication and certified bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on April 26 and May 3, 1973.

Your assistance in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

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April 20, 1973

Re: Claim No. 96-4055 - William E. Finney

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: Legal Notice

Bill submitted 5-22-73 by EL

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RECEIVED

MAY 17 1973

ADVERTISING INSERTION ORDER

Department of Water Administration
Northern District Office

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Name Idaho Department of Water
Administration
Address _____

Name of Advertiser _____

Ad No. _____ Ad Size: _____ x _____

Notice of Claim to a Water
Caption Right

Insertion Dates: April 26- May 3

Copy:

AIO. No. 6716

DATE 4-26-73

Type of Advertising

- ☐ National Display
☐ Local Display
☐ Classified Display
☐ Classified
☐ Reader
☐ Card of Thanks
☒ Legal

William E. Finney

I hereby certify that the amount stated above is just and correct, that the amount claimed is legally due after allowing all just credits, and that no part of the same has been paid.

SANDPOINT NEWS-BULLETIN

Glynn Borat

96 4055

Total Space 36 lines x 36¢
(Col. inches/Week) (rate)

= \$ 12.96
(billings)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4055

Notice is hereby given that William E. Finney,
Route #1, Box 129, Sandpoint, Idaho
has filed a claim to a water right established by diversion and application
to beneficial use of 0.16 cubic feet per second ~~acre feet per annum~~
of water from Schweitzer Creek
with point of diversion in the SW1/4, Sec. 35, T. 58N, R. 2W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes; and from June 15 to Sept. 15 for the irrigation of 7 acres
with a priority of Aug. 19, 1961 (0.02 cfs); Aug. 19, 1964 (0.14 cfs) ;
the place of use is within the NW1/4, Sec. 35, T. 58N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho
83814.

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho
on April 26 and May 3, 1973

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Apr 11 20, 1973

Re: Claim to a Water Right No. 96-4055

William E. Finney
Route #1, Box 129
Sandpoint, ID 83864

Dear Mr. Finney:

Attached is your receipt No. 10625 in the amount of \$10 for the filing fee on the above referenced claim which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: Receipt

96 4055

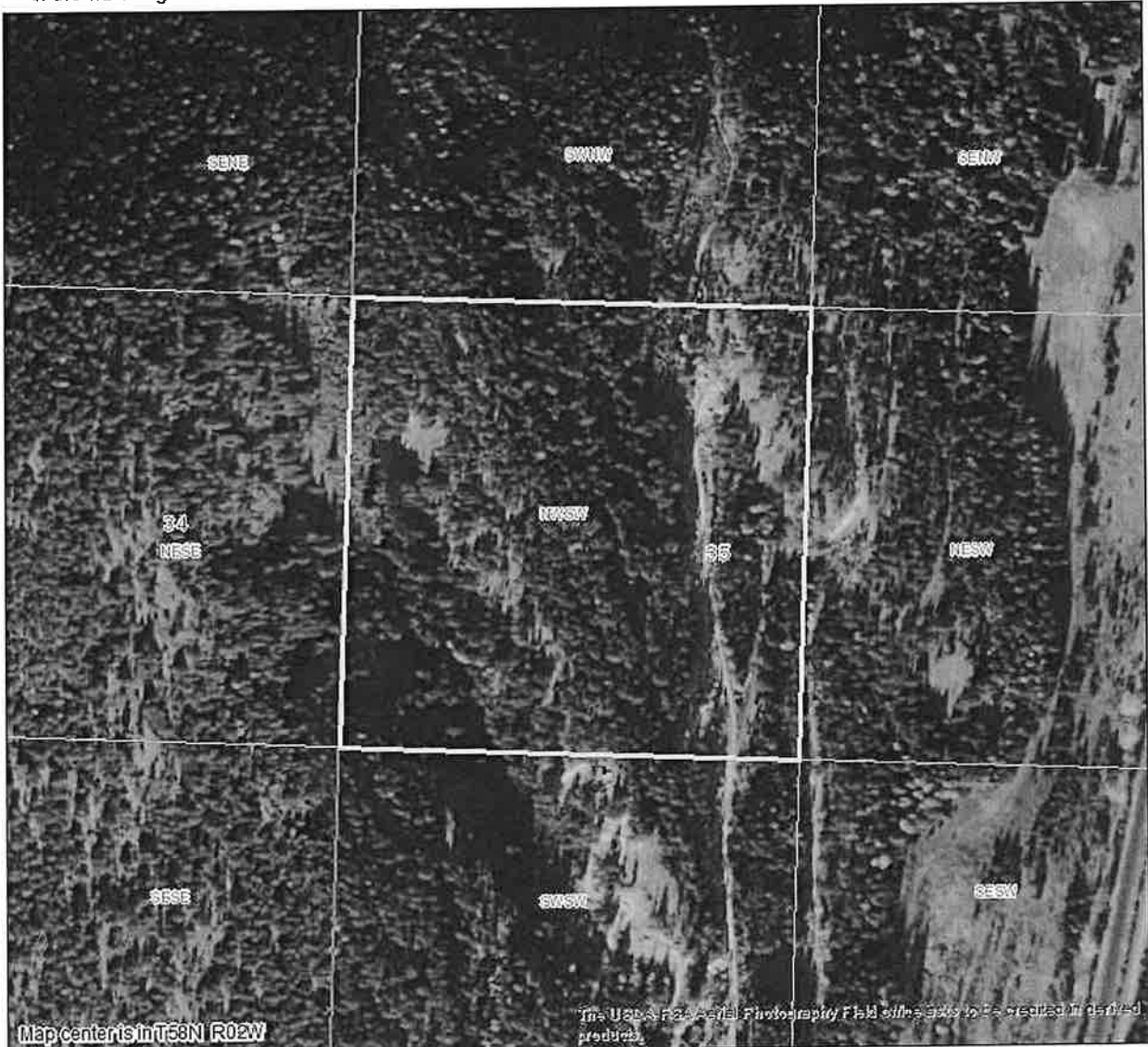
State of Idaho
Department of Water Resources

Water Right

96-4055

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 5/9/2022



Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



FINNEY FINNEY & FINNEY, P.A.

ATTORNEYS AT LAW
OLD POWER HOUSE BUILDING
120 EAST LAKE STREET, SUITE 317
SANDPOINT, IDAHO 83864-1366

PHONE: 1-208-263-7712 FAX: 1-208-263-8211

Gary A. Finney / John A. Finney / Rex A. Finney / Adam O. Finney

August 17, 2022

Idaho Department of Water Resources
Northern Region
7600 Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763

Re: In Re General Adjudication Clark Fork-Pend Oreille
River Basin, Civil Case No. 69576
Our Client: Evalun Finney
Our File No. 7690-1

Dear Department:

Please find enclosed for filing in the above referenced
action a claim, as follows:

An original Notice Of Claim To A Water Right with
attachments (20 pages total). Also, enclosed is a copy of
the first page of the Notice for conforming and returning
to me in the enclosed self-addressed stamped envelope.

Next, enclosed is Finney Finney & Finney, P.A. Check No.
25368 in the sum of \$85.00 payable to the Idaho Department of
Water Resources for the filing fees, calculated as follows:

\$50.00 flat fee plus 7 acres at \$1.00 per acre plus 0.28
cfs at \$100.00 per cfs = \$50 + \$7 + \$28 = \$85.00.

Thank you. If you have any questions or concerns, please
let me know.

Very truly yours,


JOHN A. FINNEY
Attorney at Law

JAF:cme
Enclosures