

**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: 2022

Claim ID: 96-4427

Date Received: 10-31-2022

Receipt No: N041745

Claim Fee: 52.00 By: DL

RECEIVED

OCT 31 2022

IDWR / NORTH

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of claimant(s) Gary A. Finney Phone (____) _____
Mailing address 120 E. Lake St., Suite 317 Sandpoint Idaho Zip 83864
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) June 1, 1960 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Unnamed streams
which is tributary to (b) Boyer Slough
4. a. Location of point of diversion is: Township 58N, Range 1W, Section 20,
NW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP58N01W207810A
Additional points of diversion, if any: 58N, 1W, 20, SWSE.
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.

Ponds.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)
For Stockwater purposes from 01-01 to 12-31 amount 0.02 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (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.) Stockwater: up to 15 equines and 25 cattle

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	
58	1W	20														S	S		

Parcel no(s). RP58N01W207810A 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):

Water right 96-4427. See attached Water Right Report and Water Right Backfile 96-4427 docs

See attached parcel maps (2 pages)

Name of claimant(s) Gary A. Finney 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 96-4427

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) - 13 pgs

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) Gary A. Finney Date: Oct 28, 2022

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 _____

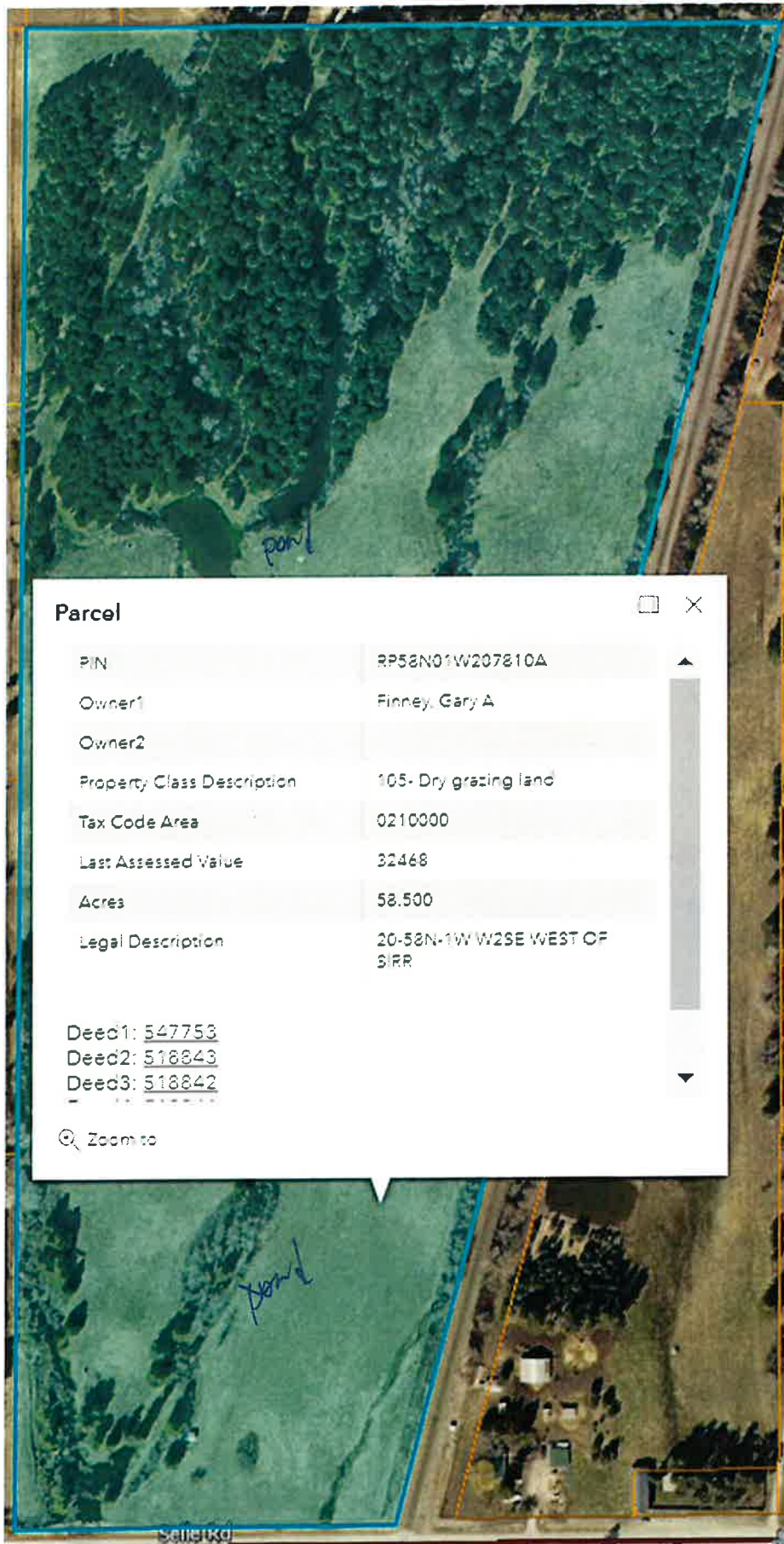
16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Adam O. Finney, 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 Adam O. Finney Date Oct 28, 2022

Address 120 East Lake Street, Suite 317, Sandpoint, Idaho 83864.

Name of claimant(s) Gary A. Finney Claim ID _____



Parcel

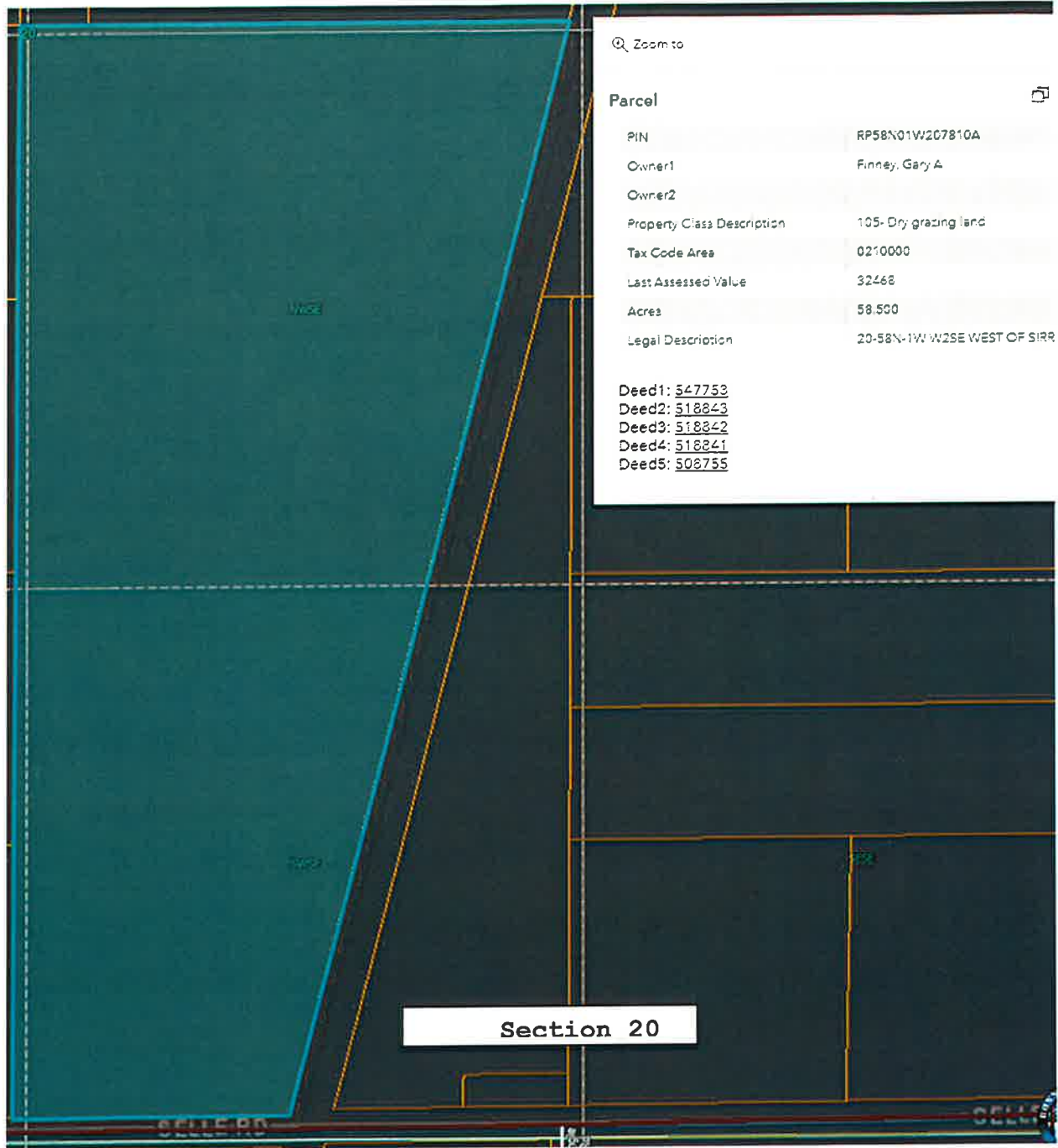
PIN	RP58N01W207810A
Owner1	Finney, Gary A
Owner2	
Property Class Description	105- Dry grazing land
Tax Code Area	0210000
Last Assessed Value	32468
Acres	58.500
Legal Description	20-58N-1W W2SE WEST OF S1RR

Deed1: [547753](#)

Deed2: [518843](#)

Deed3: [518842](#)

Zoom to



Zoom to

Parcel

PIN	RP58N01W207810A
Owner1	Finney, Gary A
Owner2	
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Deed1: [547753](#)
Deed2: [518843](#)
Deed3: [518842](#)
Deed4: [518841](#)
Deed5: [508755](#)

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

10/21/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 96-4427

Owner Type	Name and Address
Current Owner	PAUL T HART 287 CEDAR GRV SANDPOINT, ID 83864-8173
Current Owner	EMILY HART RT 3 BOX 455 SANDPOINT, ID 83864

Priority Date: 06/01/1960

Basis: Statutory Claim

Status: Active

Source	Tributary
UNNAMED STREAMS	BOYER SLOUGH

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.05 CFS	
IRRIGATION STORAGE	1/01	12/31		1 AFA
IRRIGATION FROM STORAGE	3/15	11/15		1 AFA
STOCKWATER STORAGE	1/01	12/31		2 AFA
Total Diversion			0.05 CFS	2 AFA

Location of Point(s) of Diversion:

UNNAMED STREAMS | NWSE | Sec. 20 | Township 58N | Range 01W | BONNER County

UNNAMED STREAMS | SESE | Sec. 20 | Township 58N | Range 01W | BONNER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
58N	01W	20		SESE	2									

Total Acres: 2

Conditions of Approval:

1. || AC. IRR.=2.5.

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

2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that PAUL OR Emily HART
(Name of Claimant)
3 Box 455 SANDPOINT IDAHO 83864 Telephone No. 263-3787
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1960

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Unnamed Streams (2) tributary to Boyer Slough

		(Both dates inclusive)	
(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>2.0 AFA</u>	Use <u>Storage for Stock</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>0.05 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>4/15</u>
Quantity <u>1.0 AFA</u>	Use <u>Storage for Irrigation</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity <u>6.0 AFA</u>	Use <u>Irrigation from Storage</u>	Period of Use From <u>3/15</u>	To <u>4/15</u>
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.05 cfs, 2.0 RFA TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SE 1/4, Sec. 20 Twp. 58N Rge. 1W B.M., County of Bonner
Additional points of diversion: SESE 20 58N 1W

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. Describe any changes in the system and give the date of the change. 2 ponds with stock water from both and irrigation from one (SESE).

(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.

[illegible]

No. of acres 2.5

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

NOTE: Include here the type and number of stock watered: 30 head cattle

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

(8) Remarks

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Pete Thompson being first duly sworn on oath deposes and says that he is publisher of the Sandpoint Daily Bee, and News Bulletin, newspapers printed and published at Sandpoint, in Bonner County, Idaho; that the said newspapers have been continuously and uninterruptedly published in said Bonner County during a period of 12 months prior to the first publication of the hereto attached notice of publication in the case of _____

Legal notice
as it was published in the regular and entire issue of the said paper for a period of 2 consecutive weeks, commencing on 8 day of 6, 1983 and ending on the 15 day of 6, 1983 and that said notice was published in said newspaper.

Subscribed and sworn to before me this 6 day of 7, 1983.

Alvin Thompson

Notary Public for Idaho,

Residing at Sandpoint, Idaho

RECEIVED

JUL 14 1983

Department of Water Resources
Northern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

96-4414
HAYES, ARDEN M.
P.O. BOX 1512, SAND-
POINT, ID 83864
Source: UNNAMED
STREAM trib. to PEND
OREILLE LAKE
Priority Date: 11/16/1923
Diversion Pt: SESW Sec 25 T
57N R 02W
Use: DOMESTIC (0.04 CFS)
In: LOT 05 Sec 25 T 57N R
02W

96-4415
MC ALLISTER, CLIFFORD
E. &/or GRATIA L.
515 E. SHILOH HILLS DR.,
SPOKANE, WA 99208
Source: COCOLALLA LAKE
trib. to COCOLALLA
CREEK
Priority Date: 01/01/1964
Diversion Pt: LOT 03 Sec 07
T 54N R 02W
Use: DOMESTIC (0.04 CFS)
In: LOT 02 LOT 03 Sec 07 T
53N R 03W

96-4416
SAUER, MILDREDE
702 W. WALNUT ST.,
COEUR D'ALENE, ID 83814
Source: PEND OREILLE
LAKE trib. to PEND
OREILLE RIVER
Priority Date: 04/01/1971
Diversion Pt: LOT 05 Sec 02
T 56N R 01E
Use: DOMESTIC (0.04 CFS)
In: LOT 05 Sec 02 T 56N R
01E

96-4417
MOODY, WILLIAM N.
RT. 3 BOX 149, SAND-
POINT, ID 83864
Source: SYRINGA CREEK
trib. to TURNIPSEED
CREEK
Priority Date: 01/01/1929
Diversion Pt: NWNE Sec 17
T 57N R 02W
Use: IRRIGATION (0.04
CFS)
In: NWNE Sec 17 T 57N R
02W FOR 2 ACRES

96-4418
NORDGAARDEN, EDDIE
O. &/or SONYA K.
RT. 3 BOX 138, SAND-
POINT, ID 83864
Source: SYRINGA CREEK
trib. to BERRY CREEK
Priority Date: 07/01/1970
Diversion Pt: SWSW Sec 08
T 57N R 02W
Use: DOMESTIC (0.04 CFS)
In: SWSW Sec 08 T
57N R 02W

96-4419
GREEN ENTERPRISES
INC.
HCR 68 BOX 481, SAND-
POINT, ID 83864
Source: SPRING trib. to
PEND OREILLE LAKE
Priority Date: 01/01/1967
Diversion Pt: NWSE Sec 18
T 56N R 01E
Use: DOMESTIC (0.11 CFS)
In: NESE NWSE SWSE
SESE Sec 18 T 56N R 01E

96-4423

PEAK, LES
P.O. BOX 1104, SAND-
POINT, ID 83864
Source: SPRING trib. to
SAND CREEK

Priority Date: 03/01/1934
Diversion Pt: SENE Sec 10 T
57N R 02W
Use: IRRIGATION (0.06
CFS)
In: SENE Sec 10 T 57N R
02W FOR 2 ACRES

96-4424
WILLIAMS, CLYDE &/or
SHIRLEY
15624 E. BROADWAY ST.,
VERADALE, WA 99037
Source: SPRING trib. to
SINKS
Priority Date: 01/01/1960
Diversion Pt: LOT 04 Sec 03
T 54N R 01W
Use: DOMESTIC (0.04 CFS)
In: LOT 04 Sec 03 T 54N R
01W

96-4425
WILLIAMS, CLYDE &/or
SHIRLEY
15624 E. BROADWAY ST.,
VERADALE, WA 99037
Source: UNNAMED
STREAM trib. to PEND
OREILLE LAKE
Priority Date: 04/01/1965
Diversion Pt: SWNE Sec 03
T 54N R 01W
Use: IRRIGATION (0.12
CFS)
STOCKWATER (0.02 CFS)
In: SENE NWSE Sec 03 T
54N R 01W NWSE Sec 03 T
54N R 01W FOR 6 ACRES

96-4427
HART, PAUL &/or EMILY
RT. 3 BOX 455, SAND-
POINT, ID 83864
Source: UNNAMED
STREAMS trib. to BOYER
SLOUGH
Priority Date: 01/01/1960
Diversion Pt: NWSE SESE
Sec 20 T 58N R 01W
Use: IRRIGATION (0.05
CFS)
IRRIGATION STORAGE
(1.0 AF)
IRRIGATION FROM
STORAGE (1.0 AF)
STOCKWATER STORAGE
(2.0 AF)
In: SESE Sec 20 T 58N R 01W
NWSE SESE Sec 20 T 58N R
01W FOR 2 ACRES

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
4055 Gov't. Way, Coeur
d'Alene, Id. 83814.
KEN DUNN, Dir.
Published 6/8 & 6/15/83.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: PSA

Right Number

96-4427

Applicant

Hart

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

[Signature]

Date

7/26/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

kw

Date

8/9/83

MICROFILMED

RECEIVED
AUG 3 1983

Department of Water Resources

96-4422

HART, PAUL &/or EMILY

RT. 3 BOX 455, SANDPOINT, ID 83864

Source: UNNAMED STREAMS trib. to BOYER SLOUGH

Priority Date: 01/01/1960

Diversion Pt: NWSE SESE Sec 20 T 58N R 01W

Use: IRRIGATION	(0.05 CFS)
IRRIGATION STORAGE	(1.0 AF)
IRRIGATION FROM STORAGE	(1.0 AF)
STOCKWATER STORAGE	(2.0 AF)

In: SESE Sec 20 T 58N R 01W NWSE SESE Sec 20 T 58N R 01W FOR 2 ACRES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

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

JUNE 27, 1983

PAUL HART
EMILY HART
RT. 3 BOX 455
SANDPOINT

ID 83864

RE: Claim No. 96-4427

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