

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: 96-9247

Date Received: 8-22-2022

Receipt No: N040855

Claim Fee: 159.00 By: JD

AUG 22 2022

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

IDWR / NORTH

Please type or print clearly

- Name of claimant(s) Dover Bay Property Owners Association Phone (208) 263-3083
Mailing address PO Box 113 Dover Idaho Zip 83825-0113
Street or Box City State
Email address (optional) info@doverbaypoa.com
- Date of priority: (Only one per claim) 7/29/2005 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (☒) (a) Pend Oreille River
which is tributary to (b) Columbia River
- a. Location of point of diversion is: Township 57N, Range 02W, BM, Section 31,
NE 1/4 of SE 1/4, Govt. Lot 1, BM, County of Bonner
Parcel no. RPD37670110000A
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.
**Irrigation intake system consists of two 12" intake pipes extending approximately 300' into Pend Oreille
River. Intake pipes extend landward to a below-ground intake vault that is located approx. 200' horizontally
above shoreline. Intake pipes each include a 50 HP submersible pump. Submersible pumps are connected
to 6" discharge pipes that enter below-ground intake vault. Intake vault includes a piping manifold
connecting 6" pump discharge pipes to a 10" transmission line that extends to irrigation distribution
system. Intake vault also includes electrical & control equipment. There have been no significant upgrades
or changes.**

6. Water is claimed for the following purposes:

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

For irrigation purposes from 4/1 to 10/31 amount 2 or 477

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (cfs) and/or (b) 477 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) irrigation water for PUD common areas, and 535 households

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	
57n	02w	31	20	20	5	10	20	20	-	2					2				99
					L2	L1	L3	L4							L1				
57n	02w	32						20	20	20									60
									L3	L2									

Parcel no(s). See attached maps. Total number of acres irrigated 159

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 attached water license.

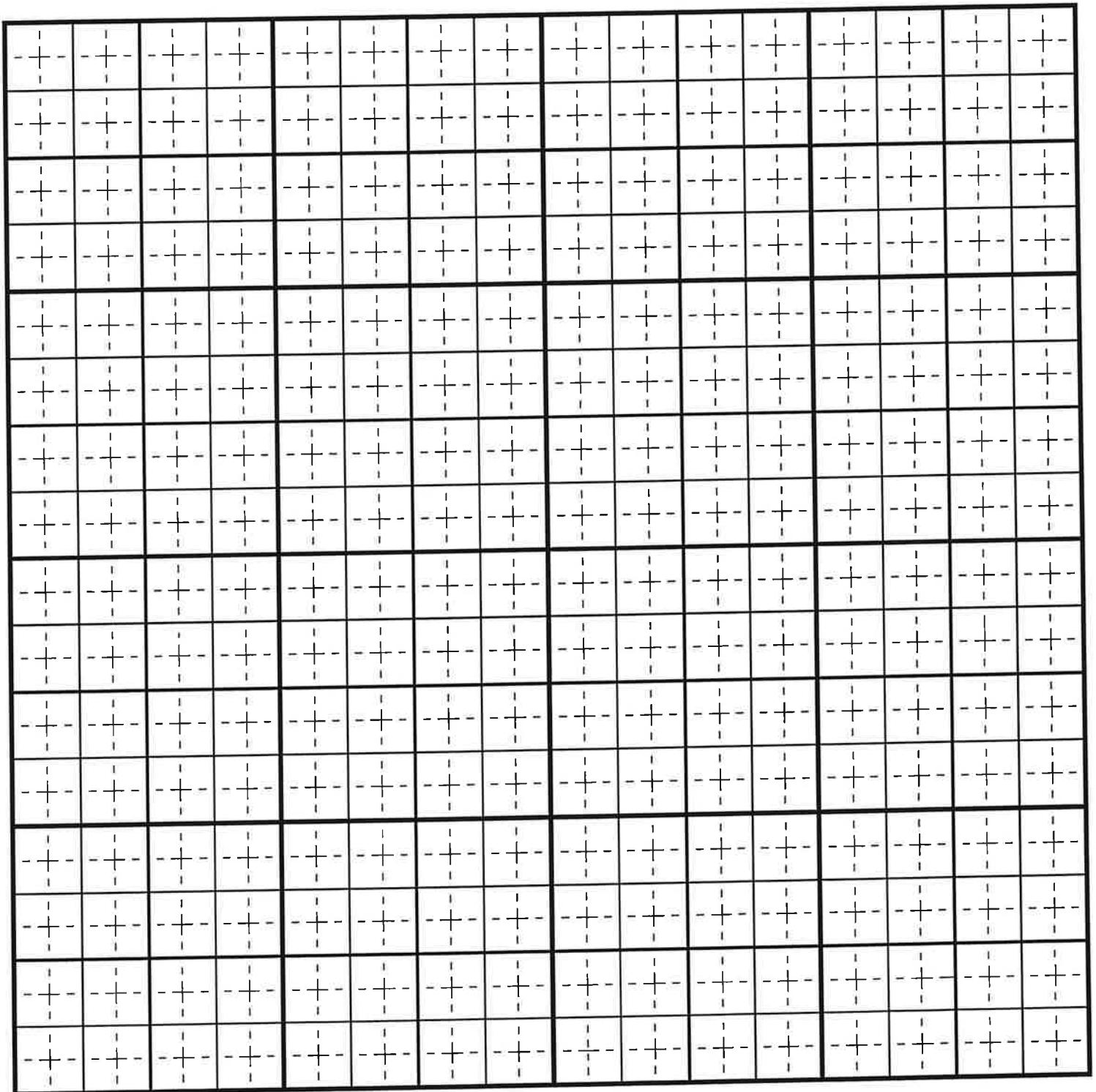
*11. DBPOA members also own lots in the area. The water right will provide irrigation water for the DBPOA common areas and the members' individual lots.

Name of claimant(s) Dover Bay Property Owners Association

Claim ID 96-09247

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 See attached maps.



Name of claimant(s) Dover Bay Property Owners Association

Claim ID 96-09247

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 96-09247

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: 5 (16 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

Attorney of Foster Garvey P.C.
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 8/18/22

Printed Name of Authorized Agent Todd Reuter

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Todd Reuter, 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 8/18/22

Address 618 W. Riverside Ave, #300, Spokane, WA 99201

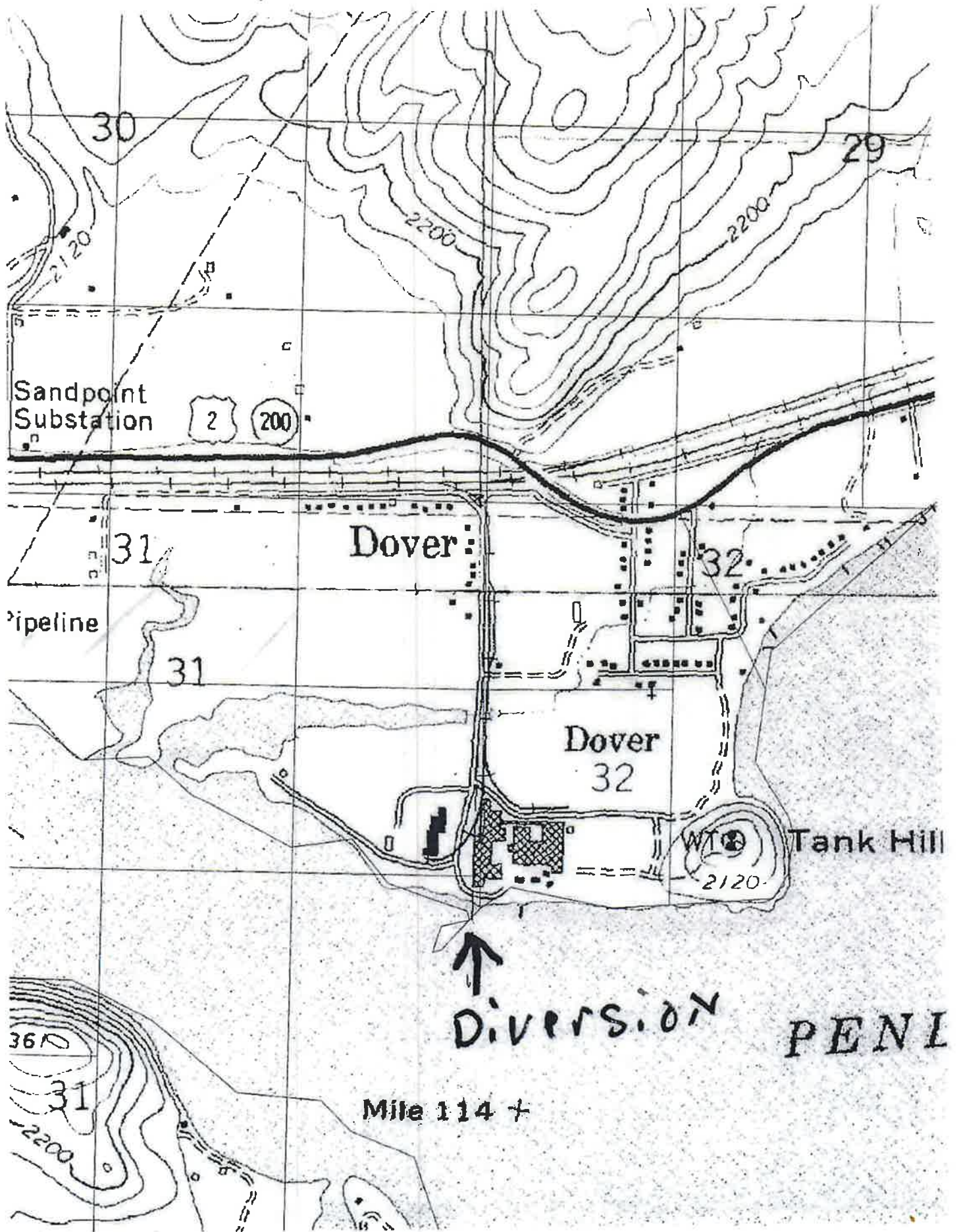
Name of claimant(s) Dover Bay Property Owners Association

Claim ID 96-09247

ATTACHMENT

1 of 5

To Notice Of Claim To A Water Right filed by
Claimant Dover Bay Property Owners Association dated 8/18/2022



ATTACHMENT

2 of 5

To Notice Of Claim To A Water Right filed by
Claimant Dover Bay Property Owners Association dated 8/18/2022



Water Right Locator

Find water rights in Idaho

IDWR Home IDWR Map Hub



All rights reserved

ATTACHMENT

3 of 5

To Notice Of Claim To A Water Right filed by
Claimant Dover Bay Property Owners Association dated 8/18/2022

DOVER BAY PLANNED UNIT DEVELOPMENT

SECTION 29, 30, 31, & 32, TWP. 57N., RNG 2W., BOISE MERIDIAN, CITY OF DOVER, BONNER COUNTY, IDAHO



SECTION CORNER
FND. STANDARD CORP. OF
ENGINEERS 5-14' ALUM.
MONUMENT, PLS No. 6019

J100233A
FND. 3-1/2" BRASS
CAP MON. PLS No. 6019

SECTION 31
FND. 2-1/2" ALUM.
CAP. PLS No. 5576

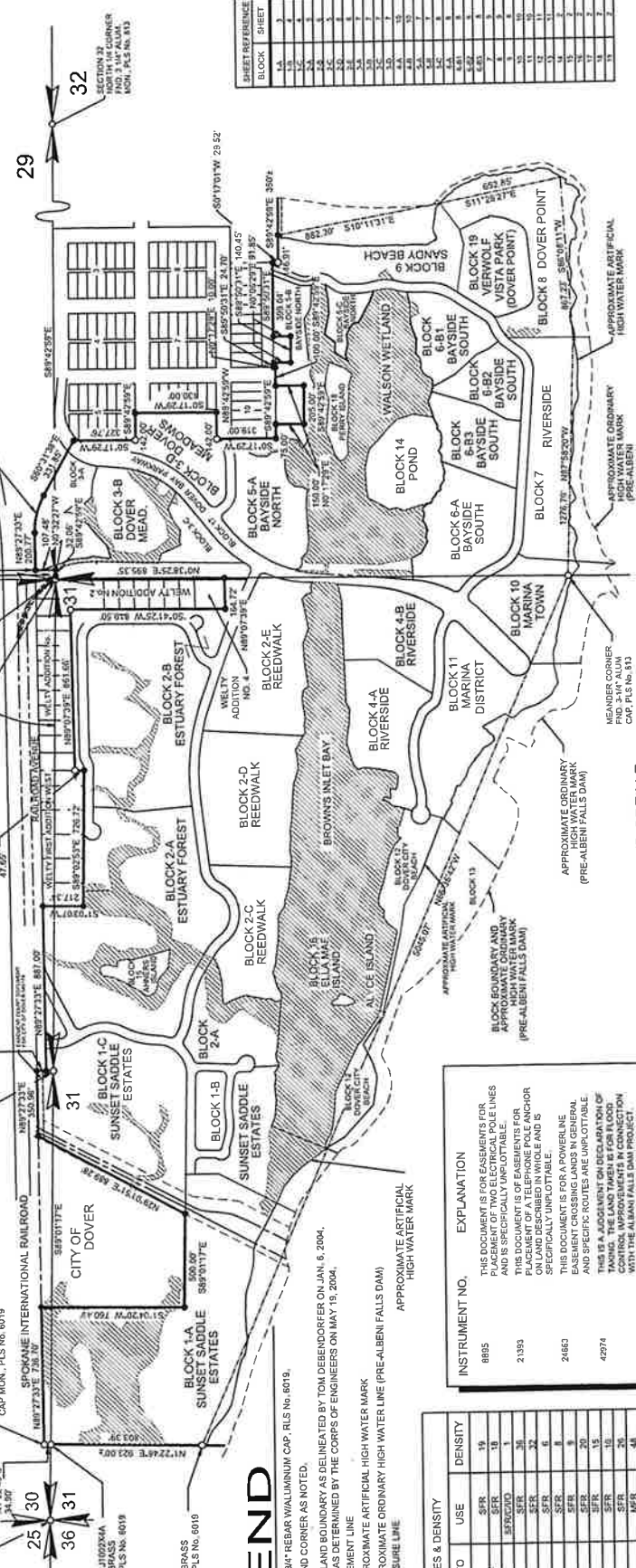
SECTION CORNER
FND. 2-1/2" ALUM.
CAP. PLS No. 5131

SECTION CORNER
FND. 2-1/2" ALUM.
CAP. PLS No. 5131

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CAP. PLS No. 5131

SECTION CORNER
FND. 2-1/2" ALUM.
CAP. PLS No. 5131

SECTION CORNER
FND. 2-1/2" ALUM.
CAP. PLS No. 5131



LEGEND

- SET 3/4" REBAR W/ALUMINUM CAP. PLS No. 6019.
- FOUND CORNER AS NOTED.
- WETLAND BOUNDARY AS DELINEATED BY TOM DEBENDORFER ON JAN. 6, 2004.
- AND AS DETERMINED BY THE CORPS OF ENGINEERS ON MAY 15, 2004.
- EASEMENT LINE
- APPROXIMATE ARTIFICIAL HIGH WATER MARK
- APPROXIMATE ORDINARY HIGH WATER LINE (PRE-ALBANI FALLS DAM)
- CLOSURE LINE

BLOCK	EXTENDS TO	USE	DENSITY
1-A	OHW	SFR	19
1-B	OHW & WET	SFR	19
1-C	N/A	SFR/O	1
2-A	N/A	SFR	32
2-B	N/A	SFR	32
2-C	N/A	SFR	32
2-D	N/A	SFR	32
2-E	N/A	SFR	32
2-F	N/A	SFR	32
2-G	N/A	SFR	32
2-H	N/A	SFR	32
2-I	N/A	SFR	32
2-J	N/A	SFR	32
2-K	N/A	SFR	32
2-L	N/A	SFR	32
2-M	N/A	SFR	32
2-N	N/A	SFR	32
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2-P	N/A	SFR	32
2-Q	N/A	SFR	32
2-R	N/A	SFR	32
2-S	N/A	SFR	32
2-T	N/A	SFR	32
2-U	N/A	SFR	32
2-V	N/A	SFR	32
2-W	N/A	SFR	32
2-X	N/A	SFR	32
2-Y	N/A	SFR	32
2-Z	N/A	SFR	32
3-A	OHW	SFR	32
3-B	OHW	SFR	32
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4-Z	OHW	SFR	32
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15-R	OHW	SFR	32
15-S	OHW	SFR	32
15-T	OHW	SFR	32
15-U	OHW	SFR	32
15-V	OHW	SFR	32
15-W	OHW	SFR	32
15-X	OHW	SFR	32
15-Y	OHW	SFR	32
15-Z	OHW	SFR	32
TOTAL			\$36

OHW = ORDINARY HIGH WATER MARK (PRE-ALBUH FALLS DAM)

ATTACHMENT

4 of 5

To Notice Of Claim To A Water Right filed by
Claimant Dover Bay Property Owners Association dated 8/18/2022



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 2, 2008

DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101
SANDPOINT ID 83864

RE: License No. 96-9247
Issuance of License

RECEIVED
JUL - 2 2008

BY:

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,


Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2008 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 96-9247

**DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101
SANDPOINT ID 83864**



**Carolyn S. Monitz
Technical Records Clerk**

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09247

Priority: July 29, 2005

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 477.0 AF

It is hereby certified that DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101
SANDPOINT ID 83864 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 29, 2005; and has
submitted Proof of Beneficial Use on August 11, 2006. An examination indicates that the works have a
diversion capacity of 3 cfs of water from:

SOURCE

PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

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>
IRRIGATION	04/01 to 10/31	2.00 CFS	477.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PEND OREILLE RIVER L1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 31, Twp 57N, Rge 02W, B.M. BONNER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N 02W 31	20.0	20.0	5.0	10.0	20.0	20.0		2.0					2.0				99.0
			L 2	L 1	L 3	L 4		L 3					L 1				
57N 02W 32						20.0	20.0	20.0									60.0
						L 3	L 2										

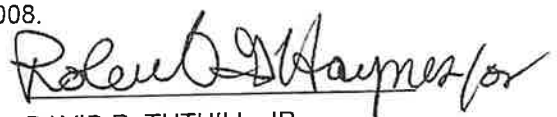
Total Acres: 159

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

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 and sealed this 1st day of July, 2008.


DAVID R. TUTHILL, JR.
Director

ATTACHMENT

5 of 5

To Notice Of Claim To A Water Right filed by
Claimant Dover Bay Property Owners Association dated 8/18/2022

Instrument # 1007316
Bonner County, Sandpoint, Idaho
06/22/2022 03:16:51 PM No. of Pages: 5
Recorded for: TITLEONE - SANDPOINT
Michael W. Rosedale Fee: \$15.00
Ex-Officio Recorder Deputy cbrannon
Index to: QUIT CLAIM DEED

ACCOMMODATION RECORDING
TITLEONE CO. HAS
NOT EXAMINED THIS DOCUMENT, ASSUMES
NO LIABILITY AS TO THE VALIDITY AND
ITS EFFECTS UPON THE TITLE

(Space Above for Recorder's Use)

QUIT CLAIM DEED – WATER RIGHTS

Grantor, DOVER BAY DEVELOPMENT, INC., an Idaho corporation, whose address is P.O. Box 7156, Boise, Idaho 83707-1156, for good and valuable consideration, conveys and quit claims to Grantee, DOVER BAY PROPERTY OWNERS ASSOCIATION, INC., an Idaho corporation, whose address is 120 Lake Street, #101, Sandpoint, Idaho 83864, all of its right, title and interest in the following:

All water and other rights granted under Idaho Department of Water Resources License No. 96-9247, attached as Exhibit A, including all rights of appeal.

SUBJECT TO right of reversion and possibility of reverter, as follows:

Grantee shall have and hold the conveyed rights only so long as said rights:

1. Are used and held for the purpose of providing water to and for the Dover Bay Planned Unit Development;
2. Are owned and held by Grantee; and
3. Are used by Grantee without interruption longer than 12 months.

In the event of breach of any of the conditions stated above, then this instrument of conveyance shall be null and void, and the premises shall upon 90 days written notice and failure to timely cure immediately and without further notice revert to Grantor, its successors and assigns, who may forthwith resume possession, control and use of all rights referenced herein.

DATED this 22nd day of June, 2022.

GRANTOR:

DOVER BAY DEVELOPMENT, INC.,
an Idaho corporation

By: 
Ralph M. Sletager, Jr., President

STATE OF IDAHO)
) ss.
COUNTY OF BONNER)

I certify that I know or have satisfactory evidence that Ralph M. Sletager, Jr. is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the President of DOVER BAY DEVELOPMENT, INC. to be said President's free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 6-22, 2022.



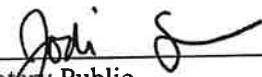

Notary Public
Print Name Jodi Siemer
My commission expires 5-11-2023

EXHIBIT A

Idaho Department of Water Resources Water Rights License No. 96-9247

Filed for Record at Request of and
Copy Returned to:
Todd Reuter
FOSTER GARVEY P.C.
618 W. Riverside Ave., Ste 300
Spokane, WA 99201

EXHIBIT A

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-09247

Priority: July 29, 2005

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 477.0 AF

It is hereby certified that DOVER BAY DEVELOPMENT INC
120 E LAKE ST
STE 101
SANDPOINT ID 83864 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 29, 2005; and has
submitted Proof of Beneficial Use on August 11, 2006. An examination indicates that the works have a
diversion capacity of 3 cfs of water from:

SOURCE

PEND OREILLE RIVER

Tributary: COLUMBIA RIVER

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>
IRRIGATION	04/01 to 10/31	2.00 CFS	477.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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PLACE OF USE: IRRIGATION

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Signed and sealed this 1st day of July, 2008.

David R. Tuthill, Jr.
DAVID R. TUTHILL, JR.
Director



RECEIVED
AUG 22 2022
DWR / NORTH

618 West Riverside Avenue
Suite 300
Spokane, WA 99201

Main: 509.777.1600
Fax: 509.777.1616
foster.com

Direct Phone 509-241-1561
Main Facsimile 509-777.1616
todd.reuter@foster.com

August 18, 2022

Via US Mail

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

Re: Notice of Claim To A Water Right
Civil Case No. 69576; Claim ID 96-09247

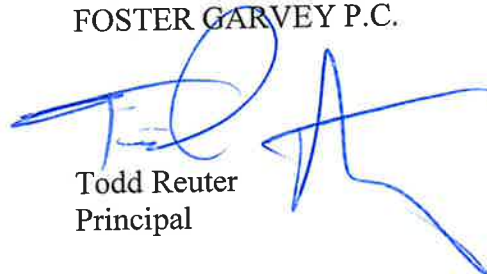
Dear Sir or Madam:

Enclosed please find an original Notice of Claim To A Water Right filed by Claimant Dover Bay Property Owners Association. Also enclosed is a check for \$159 to cover the filing fees.

If you have any questions, please let me know. Thank you for your assistance.

Sincerely,

FOSTER GARVEY P.C.



Todd Reuter
Principal

Enclosures