

RECEIVED

MAR 12 2025

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: 97-04222

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) United States of America, on behalf of
the Dept. of Defense, Army Corps of Engineers Phone (206) 764-3742
- Mailing address 4735 E. Marginal Way S., Bldg 1202 Seattle WA Zip 98134
Street or Box City State
- Email address (optional) _____
2. Date of priority: (Only one per claim) JAN/01/1958 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Pend Oreille River
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 56N, Range 05W, Section 29,
NE 1/4 of NW 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. _____
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.

Commercial - 7 1/2 HP pump 200 GPM capacity; Irrigation - 10 HP pump 275 GPM capacity, delivery to 48
sprinkler heads and 4 hose bibs.

SCANNED

MAR 12 2025

6. Water is claimed for the following purposes:

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

For Commercial purposes from 04-01 to 10-31 amount 0.445 or _____

For Irrigation purposes from 04-01 to 10-31 amount 0.607 or _____

For Fire Protection purposes from 04-01 to 10-31 amount 0.001 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.058 (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.) Albeni Cove Campground dump station, drink fountains, latrines, and fire hydrants

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	
56N	5W	29					X												

Parcel no(s). _____ Total number of acres irrigated 2 ac

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.
97-07272 or None (☒)

13. Remarks (Include an explanation of the priority date selected):

Enclosure 1: Claim to a Water Right;

Enclosure 2: Claim Analysis documentation/ accompanying paperwork demonstrates the use, dates, locations ~~PODs and priority date.~~

Enclosure 3: Updated Areal Maps / Point of Diversion included.

Commercial use at Albeni Falls Dam: 1 viewing center; 1 residence; 1 fountain; 2 hydrants; 1 latrine.

Property is owned by the U.S. Government / United States of America, Department of Defense, U.S. Army Corps of Engineers.

United States of America, on behalf of the Dept. of Defense, Army Corps of Engineers
Name of claimant(s) _____ Claim ID _____

Scale: 2 inches equals 1 mile

[illegible]

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 97-04222

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: _____

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

Chief, Real Estate Division of Seattle District, US Army Corps of Engineers
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 VEGA.OMAR.J Digitally signed by
VEGA.OMAR.J.1379583160
Date: 2025.03.12 09:51:16
+07'00' 1379583160 Date 3/12/2025

Printed Name of Authorized Agent Omar Vega

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) SEE ATTACHED NOTICE OF APPEARANCE, 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 _____

Address _____

United States of America, on behalf of the Dept. of Defense, Army Corps of Engineers
Name of claimant(s) _____ Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE CLARK FORK-PEND OREILLE RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Clark Fork-Pend Oreille River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/KRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Clark Fork-Pend Oreille River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Clark Fork-Pend Oreille River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Enclosure 1

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

DECEMBER 26, 1983

U.S. DEPT. OF DEFENSE
DEPT. OF ARMY
CORPS OF ENGINEERS
P.O. BOX C-3755
SEATTLE

WA 98124

RE: Claim No. 97-4222

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

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Enclosure

9Z-4222

U.S. DEPT. OF DEFENSE

DEPT. OF ARMY, CORPS OF ENGINEERS, P.O. BOX C-3755, SEATTLE, WA 98124

Source: PEND OREILLE RIVER trib. to COLUMBIA RIVER

Priority Date: 01/01/1958

Diversion Pt: NENW Sec 29 T 56N R 05W

Use: IRRIGATION	(0.6070 CFS)
COMMERCIAL	(0.4450 CFS)
FIRE PROTECTION	(0.0060 CFS)

In: NENW Sec 29 T 56N R 05W FOR 2 ACRES

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Enclosure 2

1983

CLAIM TO A WATER RIGHT

Department of Water Resources
Northern District Office

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 US Army, Corps of Engineers, Seattle District
(Name of Claimant)

P.O. Box C-3755, Seattle, WA 98124
(Mailing Address)

Telephone No. 206-764-3440

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) 1958

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)

Pend Oreille River tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.445 CFS</u>	Use <u>Commercial</u>	Period of Use From <u>1 April</u>	To <u>31 Oct</u>
Quantity	<u>.607 CFS</u>	Use <u>Irrigation</u>	Period of Use From <u>"</u>	To <u>" "</u>
Quantity	<u>.006 CFS</u>	Use <u>Fire Control</u>	Period of Use From <u>"</u>	To <u>" "</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 1.058 CFS TOTAL QUANTITY USED.
(cfs, af)

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

NE ¼ NW ¼, Sec. 29 Twp. 56N Rge. 5W B.M., County of Bonner

Additional points of diversion: None

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. Commercial - 7½ HP pump 200 GPM capacity

Irrigation - 10 HP pump 275 GPM capacity, delivery to 48 sprinkler heads and 4 hose bibs

- (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 ac.

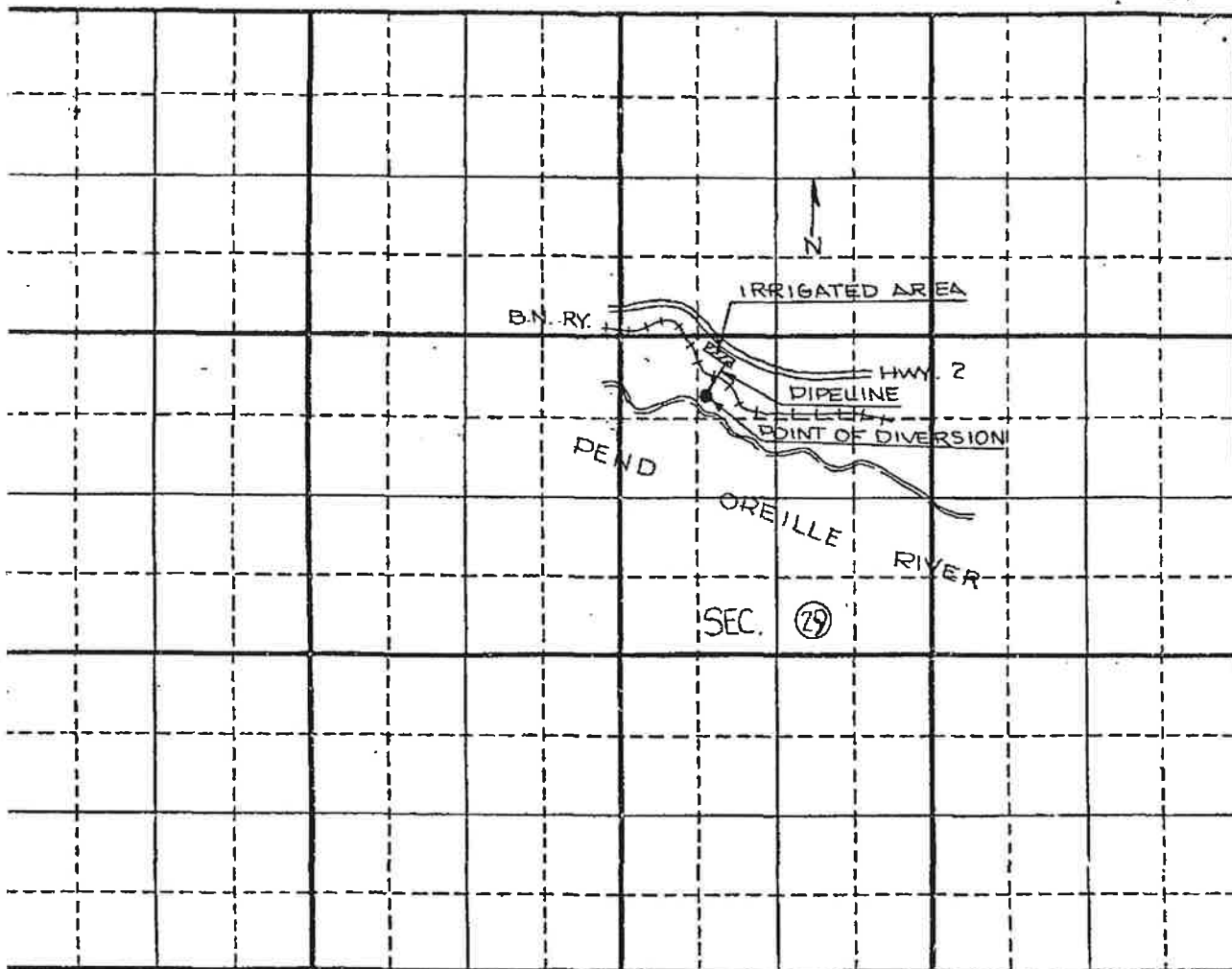
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Commercial

1 viewing center, 1 residence, 1 fountain, 2 hydrants, and 1 latrine

NOTE: Include here the type and number of stock watered: N/A

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



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Scale: 2 inches equal 1 mile. T.56N., R.5W., B.M.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

NOTE:

~~The filing deadline has been extended with a substantially increased fee:~~

State of ~~Idaho~~ WASHINGTON)

) ss.

County of KING)

Date Claim Filed

Fee

Until 6-30-1983

\$ 30

7-01-1983 thru 6-30-1984

\$100

7-01-1984 thru 6-30-1985

\$200

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19th day of August

George Gregory Moon
GEORGE GREGORY MOON, Claimant, Real Estate Div.
Seattle District Corps of Engineers
1983

Edward A. Russell Jr.

Notary Public

Residing at Seattle

My commission expires 1-1-85

Received by RSA Date 9/19/83 FOR DEPARTMENT USE ONLY
Prelim. check by YR Date 11/21/83 Exception filed by:
\$30.00 fee received by Robert R. Rasmussen Date 11/30/83 (31408) 1
Published in _____
Dates 11/8-15/83

Forwarded to _____ Date _____
claimant by: _____

Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

I, 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 circulation made up of at least eight pages of at least seven columns each, printed from type matter 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

Dept. of Water Resources #96-8382
#97-4222

as it was published in the regular and entire issue of said paper for a period of two consecutive weeks, commencing on the 8th day of December, 1983, and ending on the 15th day of December, 1983, and that said notice was published in said newspaper proper, and not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

16th day of Dec, 1983

Adell M. Thompson
Notary Public for Idaho,
Residing at Priest River, Idaho

NOTICE OF CLAIMS TO WATER RIGHT

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

97-4222

U.S. DEPT. OF DEFENSE
DEPT. OF ARMY, CORPS
OF ENGINEERS, P.O. BOX
C-3755, SEATTLE, WA 98124
Source: PEND OREILLE
RIVER trib. to COLUMBIA
RIVER

Priority Date: 01/01/1958
Diversion Pt: NENW Sec 29
T 56N R 05W

Use: IRRIGATION (0.6070
CFS)

COMMERCIAL (0.4450 CFS)
FIRE PROTECTION (0.0060
CFS)

In: NENW Sec 29 T 56N R
05W 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.

Publ. PRT 12/8 & 12/15/83

Dept. of Water Resources

NOTICE OF APPLICATION FOR WATER RIGHT

The following applica-
tion(s) have been filed to ap-
propriate the public waters
of the State of Idaho:

96-8382

U.S. DEPT. OF DEFENSE
DEPT. OF ARMY, CORPS
OF ENGINEERS, P.O. BOX
C-3755, SEATTLE, WA 98124
Source: GROUNDWATER

Date Filed: 09/19/1983

Diversion Pt: SWNW Sec 29
T 56N R 05W

Use: COMMERCIAL (0.2210
CFS)

FIRE PROTECTION (0.0020
CFS)

In: SWNW Sec. 29 T 56N R
05W

The permit(s) will be sub-
ject to all prior water rights.
Protests must be filed with
the Director, Dept. of Water
Resources, 4055 Gov't Way,
Coeur d'Alene, Id. 83814 on
or before DECEMBER 26,
1983.

KEN DUNN, Dir.

Publ. PRT 12/8 & 12/15/83

Dept. of Water Resources

RECEIVED
Department of Water Resources
Northern District Office

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: sc

Right Number 97-4222

Applicant Corp. of Engineers

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 12/23/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

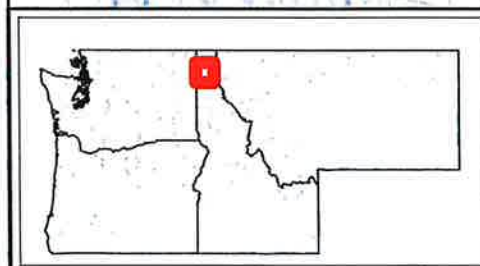
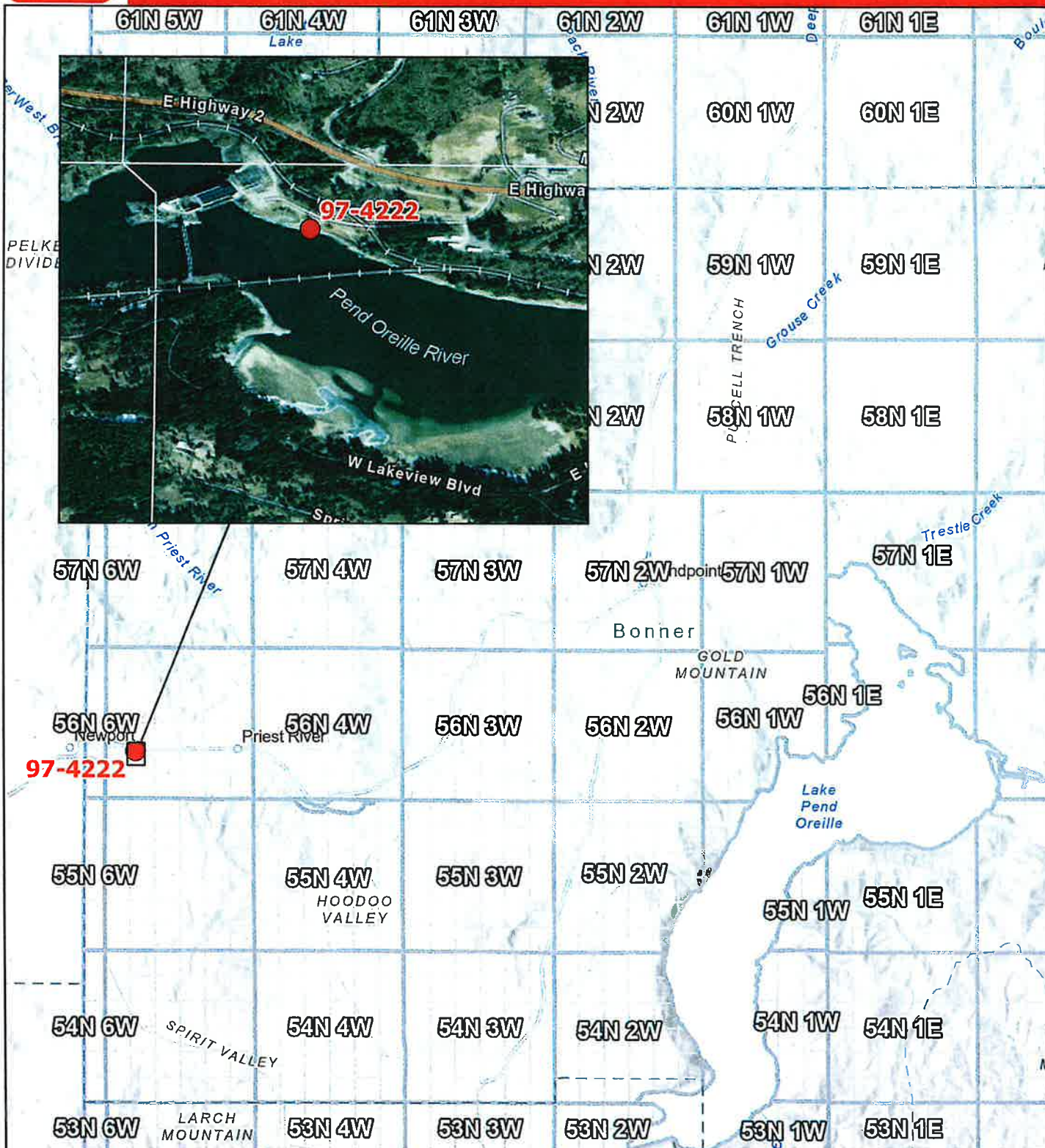
By sc Date 1/12/84

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Enclosure 3



CLAIM 97-4222
NW ¼ NW ¼ SEC 29, TWP 56N, RGE 5W, Bonner County



U.S. Army Corps of Engineers

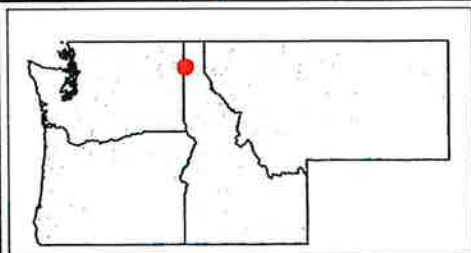
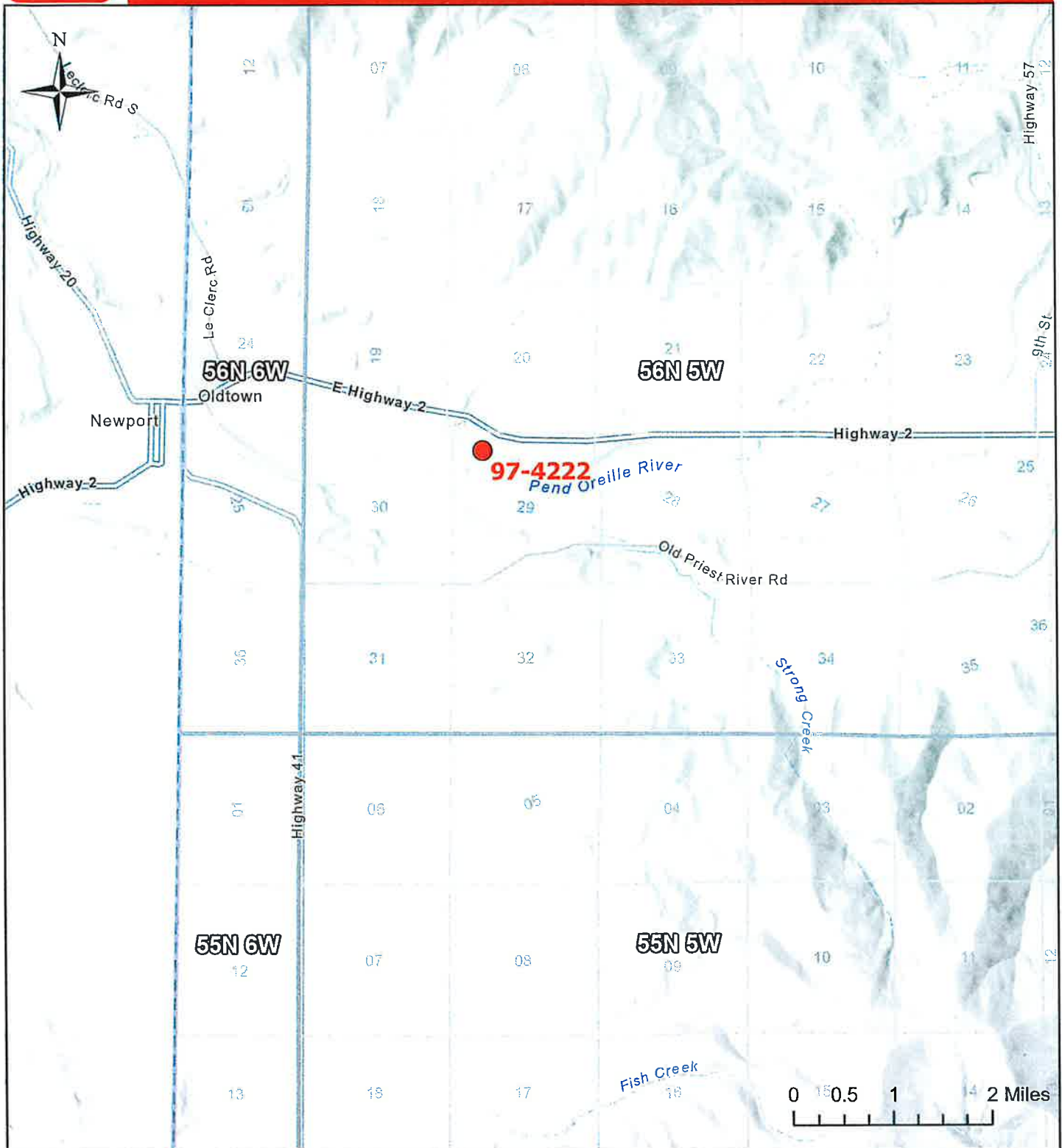
- Range
- Section
- Well Location

Purpose: Older Vista Well

DISCLAIMER - While the United States Army Corps of Engineers, (hereinafter referred to as USACE) has made a reasonable effort to ensure the accuracy of the maps and associated data, it should be explicitly noted that USACE makes no warranty, representation or guarantee, either express or implied, as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. The USACE, its officers, agents, employees, or servants shall assume no liability of any nature for any errors, omissions, or inaccuracies in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall assume no liability for any decisions made or actions taken or not taken by the user of the maps and associated data in reliance upon any information or data furnished here. By using these maps and associated data the user does so entirely at their own risk and explicitly acknowledges that he/she is aware of and agrees to be bound by this disclaimer and agrees not to present any claim or demand of any nature against the USACE, its officers, agents, employees or servants in any form whatsoever for any damages of any nature whatsoever that may result from or may be caused in any way by the use of the maps and associated data.



CLAIM 97-4222
NW ¼ NW ¼ SEC 29, TWP 56N, RGE 5W, Bonner County



U.S. Army Corps of Engineers

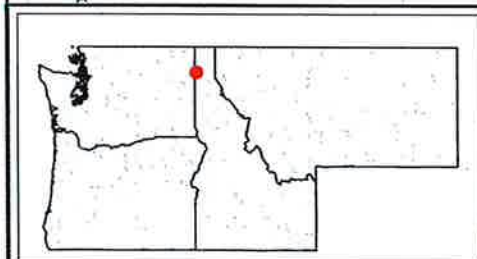
- Range
- Section
- Point of Diversion

Purpose: Older Vista Well

DISCLAIMER - While the United States Army Corps of Engineers, (hereinafter referred to as USACE) has made a reasonable effort to insure the accuracy of the maps and associated data, it should be explicitly noted that USACE makes no warranty, representation or guaranty, either express or implied, as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. The USACE, its officers, agents, employees, or servants shall assume no liability of any nature for any errors, omissions, or inaccuracies in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall assume no liability for any decisions made or actions taken or not taken by the user of the maps and associated data in reliance upon any information or data furnished here. By using these maps and associated data the user does so entirely at their own risk and explicitly acknowledges that he/she is aware of and agrees to be bound by this disclaimer and agrees not to present any claim or demand of any nature against the USACE, its officers, agents, employees or servants in any forum whatsoever for any damages of any nature whatsoever that may result from or may be caused in any way by the use of the maps and associated data.



CLAIM 97-4222
NW ¼ NW ¼ SEC 29, TWP 56N, RGE 5W, Bonner County



U.S. Army Corps of Engineers

- Range
- Section
- Point of Diversion Purpose: Older Vista Well

DISCLAIMER - While the United States Army Corps of Engineers, (hereinafter referred to as USACE) has made a reasonable effort to insure the accuracy of the maps and associated data, it should be explicitly noted that USACE makes no warranty, representation or guaranty, either express or implied, as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. The USACE, its officers, agents, employees, or servants shall assume no liability of any nature for any errors, omissions, or inaccuracies in the information provided regardless of how caused. The USACE, its officers, agents, employees or servants shall assume no liability for any decisions made or actions taken or not taken by the user of the maps and associated data in reliance upon any information or data furnished here. By using these maps and associated data the user does so entirely at their own risk and explicitly acknowledges that he/she is aware of and agrees to be bound by this disclaimer and agrees not to present any claim or demand of any nature against the USACE, its officers, agents, employees or servants in any forum whatsoever for any damages of any nature whatsoever that may result from or may be caused in any way by the use of the maps and associated data.