

NOV 21 1980

*James P. Dunn*  
Jim

JIM JONES  
Attorney General

PHILLIP J. RASSIER  
A. LYNNE KROGH-HAMPE  
Deputy Attorneys General  
Department of Water Resources  
Statehouse  
Boise, Idaho 83720  
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

IN THE MATTER OF THE GENERAL )  
DETERMINATION OF THE RIGHTS )  
TO THE USE OF THE SURFACE )  
WATERS OF TWIN LAKES, )  
TRIBUTARIES AND OUTLETS. )

Civil Case No. 32572

THE STATE OF IDAHO, )  
Department of Water Resources, )

Plaintiff, )

vs. )

ABBOTT, Knox and Spouse; )  
et al, )

Defendants. )

SUPPLEMENT TO  
PROPOSED FINDING OF  
WATER RIGHTS IN THE  
TWIN LAKES - RATHDRUM  
CREEK DRAINAGE BASIN

COMES NOW A. Kenneth Dunn, Director of the Idaho  
Department of Water Resources, by and through the undersigned  
deputy attorney general, and supplements the Proposed Finding  
of Water Rights in the Twin Lakes - Rathdrum Creek Drainage  
Basin (proposed finding).

SUPPLEMENT TO PROPOSED FINDING, Page 1

Water right no. 95-2002 is listed at page 95 of the proposed finding as unclaimed and is recommended for forfeiture. Water right no. 95-2002 is also listed in the number index at page 149 of the proposed finding. The department's file no. 95-2002 contains a license listing the source of water as Spring Branch Creek, tributary to the Spokane River.

There are two Spring Branch Creeks in Northern Idaho, one that is tributary to the Spokane River and is not within the boundaries of the Twin Lakes - Rathdrum Creek drainage basin, and another that is tributary to Rathdrum Creek and is within the boundaries of the Twin Lakes - Rathdrum Creek drainage basin. Since the source of water for water right no. 95-2002 is the Spring Branch Creek tributary to the Spokane River, water right no. 95-2002 is not within the scope of this adjudication and was erroneously listed in the proposed finding.

Therefore, the director files this supplement to the proposed finding to delete water right no. 95-2002 from pages 95 and 149 of the proposed finding.

JIM JONES  
Attorney General

*A. Lynne Krogh-Hampe*

---

A. LYNNE KROGH-HAMPE  
Deputy Attorney General  
Idaho Department of Water  
Resources

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the state of Idaho, employed by the Department of Water Resources of the State of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following described document on the person listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 14<sup>th</sup> day of May 1987.

Document Served: SUPPLEMENT TO PROPOSED FINDING OF WATER RIGHTS  
IN THE TWIN LAKES - RATHDRUM CREEK DRAINAGE  
BASIN

Person Served: Michael J. Newell  
SIMS, LIESCHE & NEWELL, P.A.  
Attorneys at Law  
1010 Ironwood Drive  
Coeur d'Alene, Idaho 83814

A. Lynne Krogh-Hampe  
A. LYNNE KROGH-HAMPE  
Deputy Attorney General  
Idaho Department of  
Water Resources

## CLAIMS SUBMITTED

RECOMMENDED TO BE DISALLOWED

NUMBER	NAME ADDRESS	REMARKS
95-0970	WESTERMAN, ALFRED WESTERMAN, RUBY ROUTE 1, BOX 616 RATHDRUM, ID 83858	NO DIVERSION WORKS.
95-0975	REED, RUSSELL DEL REED, SUSAN MAY BOX 464 RATHDRUM, ID 83858	NO DIVERSION WORKS.
95-0976	BISHOP, ROBERT G. E. 8523 COURTLAND SPOKANE, VA 99212	NO DIVERSION WORKS.
95-2002	UNCLAIMED	<del>NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.</del>
95-2005	HEITMAN, CHARLES L. RATHDRUM, ID 83858	NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.
95-2024	CHICAGO MILWAUKEE RAILROAD 640 SKINNER BLDG. SEATTLE, VA 98901	NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.
95-2059	U. S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION FEDERAL BLDG. BOX 043, 550 WEST FORT STREET BOISE, ID 83724	NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.
95-2071	FRANKLIN, CLARA RATHDRUM, ID 83858	NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.
95-7018	PITTSLEY, ERNEST H. RT. 1 RATHDRUM, ID 83858	PERMIT LAPSED.

## NUMBER INDEX

NUMBER	NAME	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
95-0962	KERN, ALBERT V. KERN, RUTH J.	04-01-1947	TWIN LAKES	RATHDRUM CREEK
95-0963	JONES, ROBERT O.	05-15-1961	TWIN LAKES	RATHDRUM CREEK
95-0964	GALBRAITH, LARRY E.	05-01-1042	SPRING BRANCH CREEK	RATHDRUM CREEK
95-0965	SCHRAMM, ROGER H. SCHRAMM, JUNE G.	05-01-1949	TWIN LAKES	RATHDRUM CREEK
95-0966	CITY OF RATHDRUM	01-01-1880	SPRING BRANCH CREEK	RATHDRUM CREEK
95-0967	STATE OF IDAHO	06-01-1971	SPRING BRANCH CREEK, S. FORK SPRING BRANCH CREEK, N. FORK	SPRING BRANCH CREEK SPRING BRANCH CREEK
95-0968	MUNRO, HERBERT B.	01-06-1958	TWIN LAKES	RATHDRUM CREEK
95-0969	MUNRO, MARYAN E. FARMERS WATER INC.	05-01-1902	SPRINGS	SPRING BRANCH CREEK
95-0970	WESTERMAN, ALFRED WESTERMAN, RUBY	DISALLOWED		
95-0971	MC INTOSH, LAWRENCE V. MC INTOSH, JUDY	05-01-1958	TWIN LAKES	RATHDRUM CREEK
95-0972	KIEFEK, TERRY	05-01-1957	TWIN LAKES	RATHDRUM CREEK
95-0973	U.S. DEPT. OF INTERIOR	03-23-1906	TWIN LAKES	RATHDRUM CREEK
95-0974	TWIN LAKES IMPROVEMENT ASSN.	03-23-1906	TWIN LAKES	RATHDRUM CREEK
95-0975	REED, RUSSELL DEL REED, SUSAN MAY	DISALLOWED		
95-0976	BISHOP, ROBERT G.	DISALLOWED		
95-0977	SIMON, ROBERT L. SIMON, MARGARET M.	06-01-1965	TWIN LAKES	RATHDRUM CREEK
95-2002	UNCLAIMED	DISALLOWED		
95-2005	HEITMAN, CHARLES L.	DISALLOWED		
95-2024	CHICAGO MILWAUKEE RAILROAD	DISALLOWED		
95-2032A	SPRING WATER ASSOCIATION, INC.	03-13-1917	SPRINGS	TWIN LAKES
95-2032B	EXCELSIOR BEACH ASSN., INC.	03-13-1917	SPRING	TWIN LAKES
95-2055	CRANER, FRED V. CRANER, SALLY A.	06-22-1914	UNNAMED STREAM	TWIN LAKES
95-2059	U.S. DEPARTMENT OF INTERIOR	DISALLOWED		
95-2071	FRANKLIN, CLARA	DISALLOWED		
95-2096	PARK, CHESTER R. PARK, NAOMI	06-28-1952	RATHDRUM CREEK	SINKS