

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 COEUR D'ALENE-SPOKANE RIVER  
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-8003

Date Received: 1-29-2014

Receipt No: CO98250

Received By: CA

*Claim amount \$50,000*

NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Avista Corporation (f/k/a The Washington Water Power Company) Phone (509) 489-0500

Mailing Address 1411 East Mission, Spokane, Washington ZIP 99220-3727  
Street or Box City State

2. Date of Priority (Only one (1) per claim) March 17, 1980  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (X) (a) Spokane River  
which is tributary to (b) Columbia River

4. a. Location of Point of Diversion is: Township 50 N, Range 5W, Section 4,  
SE, 1/4 of NE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Kootenai

Parcel (PIN) no. 50N05W-0423

Additional points of diversion if any: T50N, R5W, SEC. 3

If available, GPS Coordinates 116° 57' 39.95" W, 47° 42' 32.71" N

b. If instream flow, beginning point of claimed instream flow is:

Township 50N, Range 5W, Section 4, SE, 1/4 of NE, 1/4 Govt. Lot  
\_\_\_\_\_, BM., County of Kootenai

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. See Attachment A and B and all Exhibits thereto

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

**Electrical**

For **power generation** purposes from **01/01** to **12/31** amount **1150** or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) **1150** (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) **Hydro Power Generation, 50' design head, 14750 kw FERC authorized & nameplate capacity**

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.

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 50N | 5W  | 4   |    |    |    | P  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 50N | 5W  | 3   |    |    |    |    |    |    | P  |    |    |    |    |    |    |    |    |    |        |
| 50N | 5W  | 3   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    | P  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s). **50N05W-042300, 50N05W-034000** Total number of acres irrigated \_\_\_\_\_

10. In which county (ies) are lands listed above as place of use located? **Kootenai (See Attachment A)**

11. Do you own the property listed above as place of use? Yes ( ) No (X)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

**See Attachment B. Avista has a perpetual right, granted by the State of Idaho, to occupy and use that portion of the bed of the Spokane River lying within the area described in the patent issued to Frederick Post in 1894.**

12. Describe any other water rights used at the same place and for the same purposes as described above.

**See IDWR Water Right Nos. 95-9115, 95-9119, 95-4518 and Attachment B** or None ( )

13. Remarks: **See Attachment B and all Exhibits thereto**

Last Name **Avista Corporation** Identification No. \_\_\_\_\_

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.

See Attachment A and all Exhibits thereto

Scale: 2 Inches equals 1 mile

14. Basis of Claim (Check One) Beneficial Use (X)\* Posted Notice ( ) License (X) Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 95-08003

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 Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do (X) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Attachments A and Exhibits A-1 through A-4; Attachment B and Exhibits B-1 through B-6

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

Sr. Vice President of Avista Corporation,  
Title Organization

that I have signed the foregoing document in the space below as

Sr. Vice President of Avista Corporation,  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Will Date 1/27/14

Title and Organization Sr. Vice President of Avista Corporation and President of Avista Utilities

16. Notice of Appearance:

Notice is hereby given that I, William J. Schroeder, will be acting as attorney at law of 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 William J. Schroeder Date 1/27/14

Address Paine Hamblen LLP

717 West Sprague Avenue, Suite 1200

Spokane, Washington 99201-3505

Last Name Avista Corporation Identification No. \_\_\_\_\_

\* See Attachment B for the full scope of the Claim.