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Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No. 95-9119

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IDWR/North

Under the provisions of Section 42-243 Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from the requirement, as are uses of water for domestic purposes as defined in Section 42-111 Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Avista Corporation, formerly known as The Washington Water Power Company

(Name of Claimant)

P.O. Box 3727, Spokane, Washington  
(Mailing Address)

99220-3727

(Zip Code)

Telephone No: 509-489-0500

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

1. Date of Priority: (When the water was first applied to beneficial use) May 1, 1941  
*A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.*

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

St. Joe River tributary to Coeur d'Alene Lake  
St. Maries River tributary to Coeur d'Alene Lake  
Cd'A River tributary to Coeur d'Alene Lake

Coeur d'Alene Lake tributary to Spokane River  
Spokane River tributary to Columbia River

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 or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)

Quantity 60,600 af Use Storage for power  
Quantity 60,600 af Use Power from storage  
Quantity Use  
Quantity Use

(MM/DD) (MM/DD)  
Period of Use From 01/01 to 12/31  
Period of Use From 01/01 to 12/31  
Period of Use From to  
Period of Use From to

4. 60,600 af TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is SE 1/4 of NE 1/4 of 1/4, Govt. Lot  
Sec. 4 Township 50 N Range 5W B.M., Kootenai County;

This is a claim for the right to store waters in Coeur d'Alene Lake and St. Joe, St. Maries, Coeur d'Alene, and Spokane Rivers and the connected and tributary waters for use for the generation of hydroelectric power of the Post Falls Hydroelectric Development (HED). The waters are stored with the use of three dams (including a powerhouse) located at Post Falls, Idaho. The location of the Post Falls reservoir is shown in Exhibit 1 (a copy of sheet 1A of 77 as part of Exhibit G for the Post Falls HED, Project No. 2545 as licensed by the Federal Energy Regulatory Commission under the Federal Power Act). Exhibit 2 (a copy of Sheet 1 of 77 of the Exhibit G drawings for Project No. 2545) shows the location of the dams and powerhouse.

Additional points of diversion, if any: N/A

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give size and capacities. Be specific. Describe any changes in the system and give the date of the changes.

The dams and powerhouse are the points of diversion and the reservoir is the place of storage of water for this claim. From 1941 to present, the Post Falls HED was operated with a full pool reservoir elevation of 2128.0 feet above mean sea level (msl) as measured by the USGS gaging station located at the City of Coeur d'Alene, Idaho. The vertical datum for the USGS Coeur d'Alene, Idaho, gaging station is referenced to a USGS BM at the southeast corner of the former Merriam Building having an original elevation of 2157.404 feet above msl. The vertical datum for the USGS Coeur d'Alene Lake gaging station is 3.05 feet above the NGS Datum. The waters stored under this claim are utilized for the generation of hydroelectric power at the Post Falls HED, which is part of the Spokane River Project, FERC Project No. 2545. The 60,600 af claimed herein is the storage in the Post Falls reservoir between elevation 2128.5 feet and 2128.0 feet above msl as measured by the USGS gage at Coeur d'Alene, Idaho. The use of water for such generation is the subject matter of Water Right Claim No. 95-4518 and License No. 95-08003 (copies attached to cover letter) submitted to the State of Idaho Department of Water Resources.

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\*Avista recognizes that the United States Supreme Court has ruled that the United States, as trustee for the Coeur d'Alene Tribe, owns lands underlying portions of Coeur d'Alene Lake and the St. Joe River. As a result of the decision, Avista will submit this document to the Tribe pursuant to Coeur d'Alene Tribal Code 44-24.01 as amended 9/28/2000.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.  
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TOTAL<br>ACRES                  |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|---------------------------------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SE | SW |                                 |
| 50N | 5W  | 8   |        |    |    |    |        |    |    |    |        | X  | X  |    |        |    |    |    | *See<br>total<br>acres<br>below |
| 50N | 5W  | 4   |        |    |    | X  |        |    |    |    |        |    |    |    |        |    |    |    |                                 |

TOTAL ACRES: The reservoir area is approximately 48,000 acres. See attached Exhibit 1, 2 and 3.

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.  
See description in 5A and 5B.

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

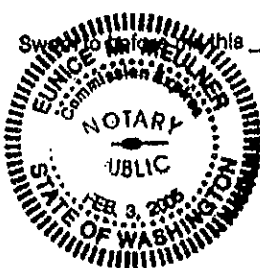
7. Remarks:  
See remarks made in 5A and 5B.

8. Map -- Attach an 8 1/2 "x 11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available. See attached Exhibits 1 and 2.

State of Washington  
County of Spookane ss.

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 affiant's knowledge.  
Avista Corporation

Scott Morris  
Claimant's Signature (and title if claim is for an organization)  
Scott Morris, President, Avista Utilities



Subscribed and sworn to before me this 16th day of JANUARY, 2002

Durice M. Meulener  
Notary Public

Residing at Spookane

My commission expires: 2/3/05

FOR DEPARTMENT USE ONLY

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Times News db 4/1/02  
Post Register db 4/8/02  
Idaho Statesman db 5/13/02

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JAN 29 2003

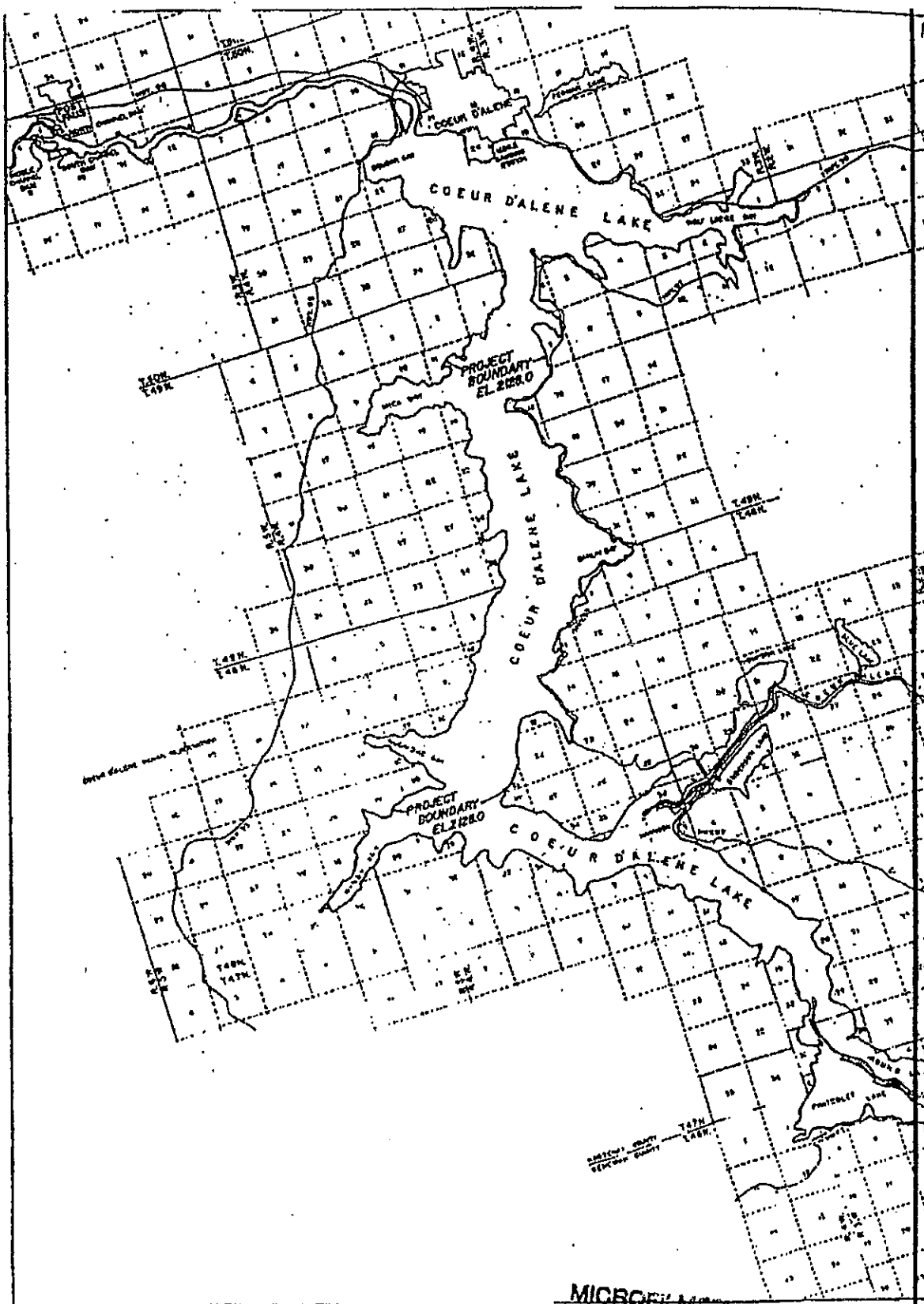


Exhibit 1

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JAN 29 2003

MATT LUSE

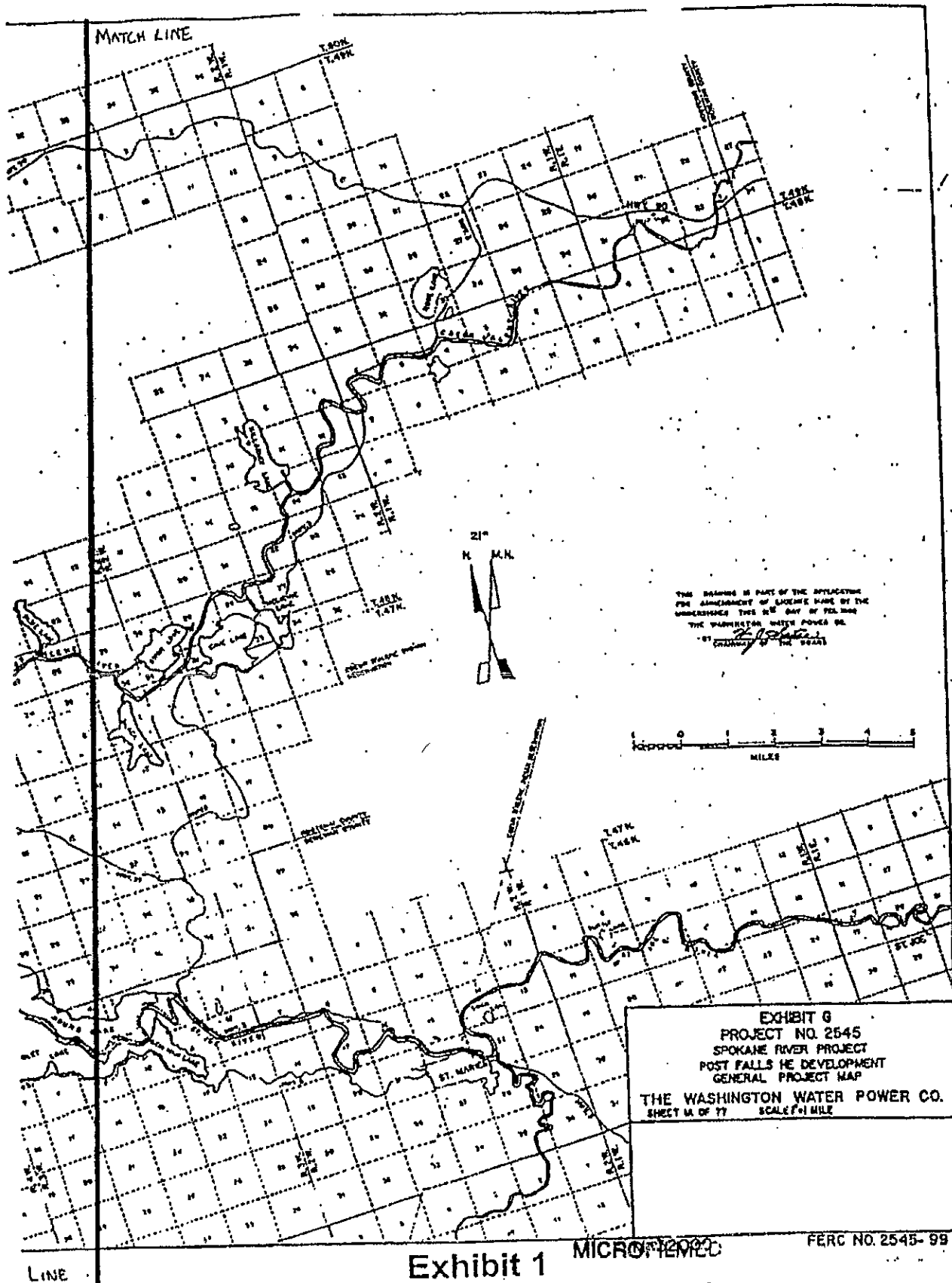


Exhibit 1

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JAN 29 2003

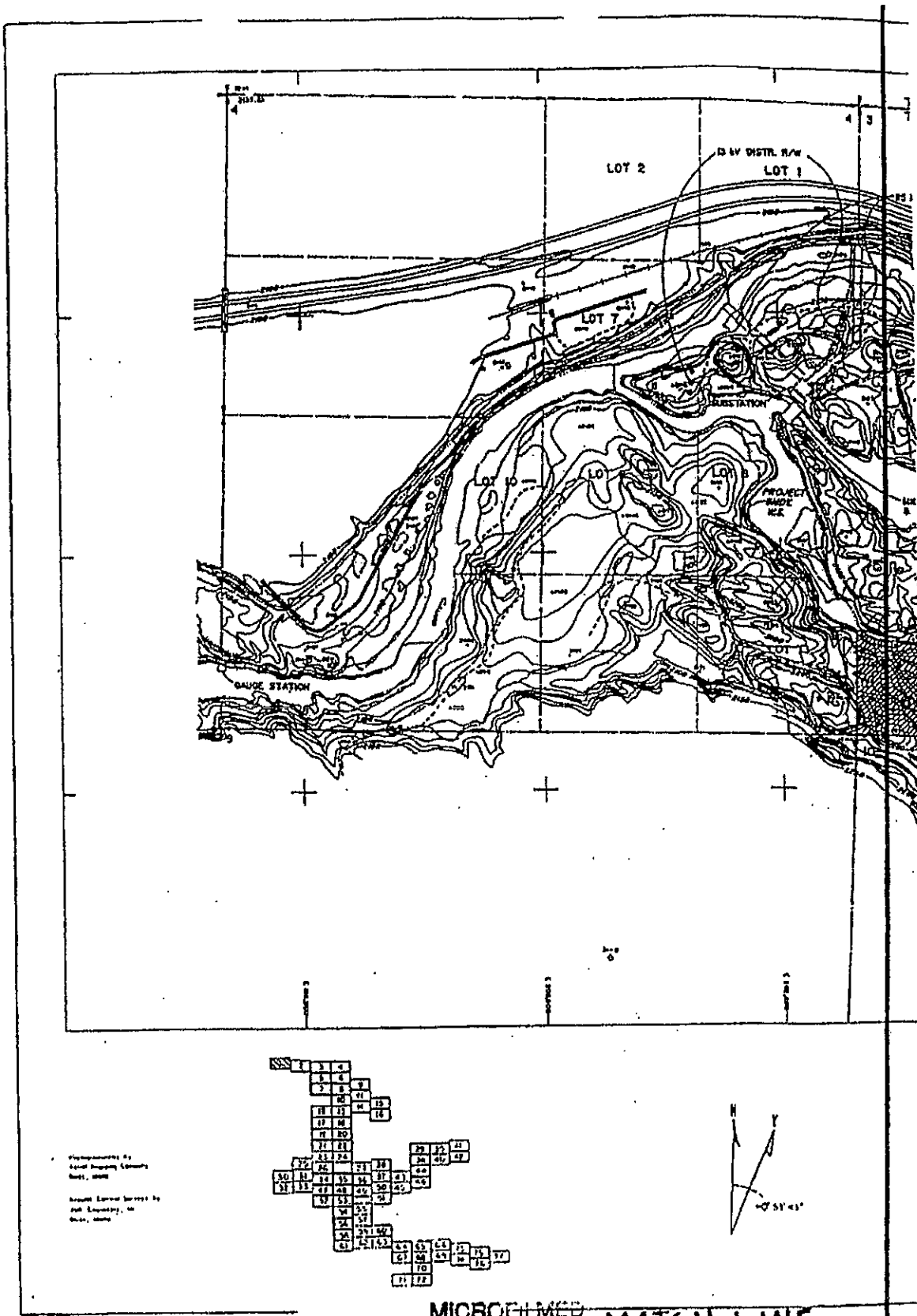


Exhibit 2  
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 MATCH LINE





Exhibit 3

**Claim of Water Right for  
The Post Falls Hydroelectric Development**

Avista Corporation claims the right to occupy the lands shown in the notes, maps and exhibits, which are actually occupied by the reservoir. By submitting this claim and the notes, maps, and exhibits attached hereto, Avista Corporation is not waiving, releasing or abandoning any right that it may have to occupy the lands which are occupied in fact by the Post Falls HED reservoir.

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JAN 29 2003

Avista Utilities  
1411 East Mission PO Box 3727  
Spokane, Washington 99220-3727  
Telephone 509-489-0500  
Toll Free 800-727-9170  
Facsimile 509-495-8734



March 10, 2003

Mr. Bob Haynes  
Regional Manager  
Idaho Department of Water Resources  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

Last year Avista filed two claims with the Department of Water Resources, Claim No. 95-9115 and Claim No. 95-9119, relating to the Post Falls Hydroelectric Development. Enclosed are amended Exhibit 3s for those claims. We have added a note to the Exhibits to clarify our intent that the Exhibit language was not meant to apply to the Coeur d'Alene Indian Reservation.

We would appreciate it if you would update our claims files with this information. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce F. Howard".

Bruce F. Howard  
Spokane River License Manager

Enclosures (2)

c: ~~SECRET~~  
Howard Funke

2003-0162



CLAIM NO. 95 - 9115

AMENDED

Exhibit 3

**Claim of Water Right for  
The Post Falls Hydroelectric Development**

Avista Corporation claims the right to occupy the lands shown in the notes, maps and exhibits, which are actually occupied by the reservoir. By submitting this claim and the notes, maps, and exhibits attached hereto, Avista Corporation is not waiving, releasing or abandoning any right that it may have to occupy the lands which are occupied in fact by the Post Falls HED reservoir. \*

**\*Exhibit 3 is not applicable to lands within the Coeur d'Alene Reservation.**



CLAIM NO. 95 - 9119

AMENDED

Exhibit 3

**Claim of Water Right for  
The Post Falls Hydroelectric Development**

Avista Corporation claims the right to occupy the lands shown in the notes, maps and exhibits, which are actually occupied by the reservoir. By submitting this claim and the notes, maps, and exhibits attached hereto, Avista Corporation is not waiving, releasing or abandoning any right that it may have to occupy the lands which are occupied in fact by the Post Falls HED reservoir. \*

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