

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re CSRBA

Case No. 49576

**SUBCASE: 95-7138
STANDARD FORM 5**

**STIPULATED ELEMENTS OF A WATER
RIGHT**

☐ **AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT**

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

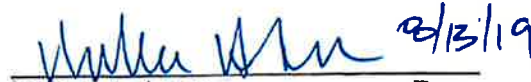
CLAIMANT

North Kootenai Water District


Christopher Meyer, Attorney at Law Date

OBJECTOR

State of Idaho, Department of Lands


Michele Anderson Date
Technical Services Bureau Chief
Idaho Department of Lands

OBJECTOR

State of Idaho, Department of Lands


Shantel Chapple Knowlton Date
Deputy Attorney General
Idaho Department of Lands

IDWR Concurrence:

	
<u>Carter Fritschle</u>	<u>Garrick L. Baxter</u>
Manager, Water Rights Adjudication	Deputy Attorney General Attorney for IDWR
8-15-19	8/13/19
Date	Date

07/16/2019

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-7130

NAME AND ADDRESS: NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83058-4904

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS
60.60 AFY

PRIORITY DATE: 03/25/1971

POINT OF
DIVERSION:

T51N R04W S2 RWSW Within KOOTENAI County
T51N R04W S11 NWNE Within KOOTENAI County
T51N R04W S11 NWNE Within KOOTENAI County
T51N R04W S14 NWNE Within KOOTENAI County
T51N R04W S15 SWSE Within KOOTENAI County
T51N R04W S23 NESE Within KOOTENAI County
T51N R04W S23 NESE Within KOOTENAI County
T51N R04W S23 SWSE Within KOOTENAI County
T51N R04W S23 SWSE Within KOOTENAI County
T51N R04W S24 NWSW Within KOOTENAI County
T51N R05W S23 SESE Within KOOTENAI County
T51N R05W S32 NESW Within KOOTENAI County
T51N R05W S32 SESW Within KOOTENAI County
T52N R03W S7 SENE Within KOOTENAI County
T52N R03W S8 SWNW Within KOOTENAI County
T52N R03W S18 NWSE Within KOOTENAI County
T52N R04W S6 SENE Within KOOTENAI County
T52N R04W S17 SESE Within KOOTENAI County
T52N R04W S17 SESE Within KOOTENAI County
T52N R04W S28 NWSE Within KOOTENAI County

Point of diversion described as being in T52N R04W S6 SENE, is located in Tract 37 as depicted in the 2005 resurvey.

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.140 CFS
60.60 AFY

PLACE OF USE:

State endowment land within the municipal service area shall not be considered part of the place of use for this water right absent an express agreement between the Idaho Department of Lands and the municipal provider recorded with the Idaho Department of Water Resources.

Place of use is within North Kootenai Water District's municipal service area as provided for under Idaho law.

SK
WA
AB
CF

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Licensee

Failure of the right holder to comply with the conditions of Transfer No. 70394 is cause for the Director to rescind approval of the transfer.

The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The following rights are diverted through point(s) of diversion described above: 95-7138, 95-7713, 95-7827, & 95-8522.

The right holder shall accomplish the change authorized by Transfer No. 70394 by January 26, 2005.

SA
WAA
JTB
CF

CERTIFICATE OF SERVICE

I hereby certify that on this 15 day of August, 2019 I caused to be served a copy of the Standard Form 5 by the following method to:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adj.
PO Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

North Kootenai Water District
Represented by:
Michael C. Creamer and
Christopher H. Meyer
601 W. Bannock Street
PO Box 2720
Boise, ID 83701-2720

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Idaho Department of Lands
Represented by:
Office of the Attorney General
State of Idaho
700 W. Jefferson, Room 210
PO Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person delivering this document

Kimberle English