

**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: 95-9113
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.

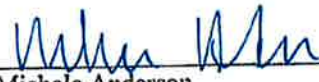
CLAIMANT

North Kootenai Water District

OBJECTOR

State of Idaho, Department of Lands


Christopher Meyer, Attorney at Law Date 8-13-19


Michele Anderson Date 8/13/19
Technical Services Bureau Chief
Idaho Department of Lands

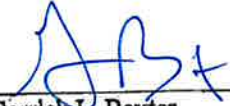
OBJECTOR

State of Idaho, Department of Lands


Shantel Chapple Knowlton Date 8/18/19
Deputy Attorney General
Idaho Department of Lands

SF 5 – Water Right No. 95-9113
Amended 7/24/2013

IDWR Concurrence:

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

07/16/2019

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

RIGHT NUMBER: 95-9113
NAME AND ADDRESS: NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858-4904
SOURCE: COEUR D'ALENE LAKE TRIBUTARY: SPOKANE RIVER
QUANTITY: 1,000 CFS
724.00 AFY
PRIORITY DATE: 10/26/2001
POINT OF DIVERSION: T50N R04W S36 SESE Lot 4 Within KOOTENAI County
A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
The approach velocity at the point of diversion shall not exceed 0.5 feet per second.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	1,000 CFS 724.00 AFY

PLACE OF USE:

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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