

SF 5 -- Water Right No. 95-9456
Amended 7/24/2013

IDWR Concurrence:

 8-23-19
Carter Fritschle Date
Manager, Water Rights Adjudication

 8/22/19
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

07/12/2019

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

RIGHT NUMBER: 95-9456

NAME AND ADDRESS: CITY OF ATHOL
PO BOX 249
ATHOL ID 03001-0249

SOURCE: GROUND WATER TRIBUTARY

QUANTITY: 1,500 CFS
Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total combined diversion rate of 2.06 cfs.

PRIORITY DATE: 01/26/1995

POINT OF DIVERSION: T53N R03W S9 SE2W Within KOOTENAI County
T53N R03W S10 SE2W Within KOOTENAI County
T53N R03W S16 NW2E Within KOOTENAI County
The issuance of this right does not grant any right-of-way or easement across the land of another.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MUNICIPAL	01/01 12/31	1,500 CFS

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. provision recorded with the Idaho Department of Water Resources.~~

Place of use is within the service area of the City of Athol municipal water supply system as provided for under Idaho Law.

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 management plan approved by the director for the RPGWMA.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Failure of the right holder to comply with the conditions of Transfer No. 01733 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer No. 01733 by July 26, 2010.

SEA
MA
MSZ
JB
CF

When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

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.

SK
MA
MTZ
JB
CF

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd 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
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☐ Facsimile

2. Copies to:

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

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City of Athol
PO Box 249
Athol, ID 83801-0249

☐ Overnight Mail
☒ Regular Mail
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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
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Signature of person delivering this document

Jodi Harris