

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: 95-9572
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
City of Athol

OBJECTOR
State of Idaho, Department of Lands

Mary J. Zichko
Mary Zichko, Mayor
City of Athol

8/20/19
Date

Michele Anderson
Michele Anderson
Technical Services Bureau Chief
Idaho Department of Lands

8/7/19
Date

OBJECTOR
State of Idaho, Department of Lands

Shantel Chapple Knowlton
Shantel Chapple Knowlton
Deputy Attorney General
Idaho Department of Lands

8/17/19
Date

IDWR Concurrence:


Carter Fritschle
Manager, Water Rights Adjudication

8-23-19
Date


Garrett L. Baxter
Deputy Attorney General
Attorney for IDWR

8/24/19
Date

07/12/2019

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

RIGHT NUMBER: 95-9572
NAME AND ADDRESS: CITY OF ATHOL
PO BOX 249
ATHOL ID 83001-0249

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.300 CFS
122.50 AFY

Right Nos. 95-9572, 95-9077 and 95-9456 are limited to a total combined diversion rate of 2.05 cfs.

PRIORITY DATE: 11/16/1960

POINT OF DIVERSION: T53N R03W H9 S88W Within KOOTENAI County
T53N R03W S10 S89W Within KOOTENAI County
T53N R03W S16 N40E Within KOOTENAI County
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	0.300 CFS 122.50 AFY

PLACE OF USE:

Place of use is within the service area of the City of Athol municipal water supply system 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.

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

The right holder shall accomplish the change authorized by Transfer No. 81733 by July 26, 2010.

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.

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.

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.

Right holder shall comply with the drilling permit requirements of Section 42-238, Idaho Code and applicable Well Construction Rules of the Department.

SPK
NAA
MSZ
AS
CT

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
☒ 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

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

☐ 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

Tori Harris