

In Re CSRBA )  
 ) SUBCASE: 95-9877  
 ) STANDARD FORM 5  
Case No. 49576 )  
 ) STIPULATED ELEMENTS OF A WATER  
 ) RIGHT  
 ) AMENDED NOTICE OF CLAIM /  
 ) DIRECTOR'S REPORT

SF 5 – Water Right No. 95-9877  
Amended 7/24/2013

**IDWR Concurrence:**

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

 8/22/19  
\_\_\_\_\_  
Garrett 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: 95-9077  
NAME AND ADDRESS: CITY OF ATHOL,  
PO BOX 249  
ATHOL ID 83001-0249

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.550 CFS

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

PRIORITY DATE: 04/17/1901

POINT OF  
DIVERSION: T53N R03W B9 SE8W Within KOOTENAI County  
T53N R03W B10 SE8W Within KOOTENAI County  
T53N R03W B16 NW8E 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   | 0.550 CFS |

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

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.

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.

Sch  
MA  
MSZ  
AB  
CT

### CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> 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

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

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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

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Signature of person delivering this document

Tobi Plariss