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	)	**SUBCASE: 95-8924**
	)	**STANDARD FORM 5**
Case No. 49576	)	
	)	**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/OBJECTOR
Rathdrum Power LLC

Norman Semanko, Attorney at Law — Date 9-6-19

IDWR Concurrence:

Carter Fritschle — Date 9-6-19
Manager, Water Rights Adjudication

Garrick L. Baxter — Date 9/6/19
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 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 _X_ 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 _X_Hand-delivered ___Facsimile
Rathdrum Power LLC Represented by: Norman Semanko Parsons Behle & Latimer 800 West Main Street Ste 1300 Boise, ID 83702	__Overnight Mail _X_Regular Mail __Hand-Delivered __Facsimile

Signature of Person delivering this document

Tori Harris

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

RIGHT NUMBER: 95-8924

NAME AND ADDRESS: RATHDRUM POWER LLC
PO BOX 995
RATHDRUM ID 83858

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.490 CFS
1475.70 AFY

~~The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.~~

PRIORITY DATE: 08/10/1995

POINT OF DIVERSION: T51N R05W S11 NENE Within KOOTENAI County
T51N R05W S11 NWNE 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
DOMESTIC	01/01	12/31	0.040 CFS 0.60 AFY
INDUSTRIAL	01/01	12/31	4.460 CFS 1475.00 AFY
IRRIGATION	03/15	11/15	0.010 CFS 0.10 AFY

Domestic use is for various areas within the plant.

Industrial use is for power plant cooling and operation.

PLACE OF USE:

IRRIGATION in KOOTENAI County

T51N	R05W	S11	NENE	0.10

INDUSTRIAL in KOOTENAI County

T51N	R05W	S11	NENE	T51N	R05W	S11	NWNE
T51N	R05W	S11	SWNE	T51N	R05W	S11	SENE

DOMESTIC in KOOTENAI County

T51N	R05W	S11	NENE	T51N	R05W	S11	NWNE
T51N	R05W	S11	SWNE	T51N	R05W	S11	SENE

0.1 ACRE TOTAL

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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Property is also known as Lot 1, Block 1, Energy Add

Parcel No. R25000010010

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.