

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: 95-9460
) 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

Bayview Water & Sewer District

OBJECTOR

State of Idaho, Department of Lands

Sharon Meyer 9/9/19
Sharon Meyer, Pro Se Date
Chairwoman of the Board
Bayview Water & Sewer District

Michele Anderson 9/10/19
Michele Anderson Date
Technical Services Bureau Chief
Idaho Department of Lands

OBJECTOR

State of Idaho, Department of Lands

Angela Schaefer Kaufmann 9/11/19
Angela Schaefer Kaufmann Date
Deputy Attorney General
Idaho Department of Lands

SF 5 – Water Right No. 95-9460
Amended 7/24/2013

IDWR Concurrence:

 9-11-19
Carter Fritschle Date
Manager, Water Rights Adjudication

 9/11/19
Garrick L. Baxter FOR Date
Deputy Attorney General
Attorney for IDWR

07/16/2019

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

RIGHT NUMBER: 95-9460

NAME AND ADDRESS: BAYVIEW WATER & SEWER DISTRICT
PO BOX 637
BAYVIEW ID 83803-0637

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.700 CFS
731.40 AFY

PRIORITY DATE: 08/27/1998

POINT OF
DIVERSION: T53N R02W S3 SNNW Within KOOTENAI County
T53N R02W S3 NESW Within KOOTENAI County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	1.700 CFS
MUNICIPAL	01/01 12/31	1.700 CFS 731.40 AFY

Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

PLACE OF USE:

Place of use is within the service area of Bayview Water and Sewer District as provided for under Idaho law.

State endowment land within the Bayview Water and Sewer District 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 Bayview Water and Sewer District 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 RPGWMA management plan approved by the director, including its conservation goals.

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.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th 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
☒ 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

Bayview Water & Sewer District
PO Box 637
Bayview, ID 83803-0637

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Idaho Department of Lands
Represented by:
State of Idaho
Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person delivering this document

Tori Harris