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IDWR/NORTH

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: 95-9461
) 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:

Spirit Bend Water Association

OBJECTOR:

State of Idaho, Department of Lands

Bruce Alexander Sept 13 2019 Chris Tretha For Michele Anderson
Bruce Alexander, President, Pro Se Date Michele Anderson Date 9-16-19
Spirit Bend Water Association Technical Services Bureau Chief
Idaho Department of Lands

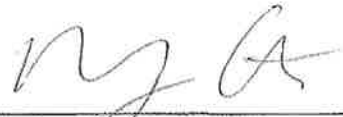
OBJECTOR

State of Idaho, Department of Lands

Steven Strack 9-17-19
Steven Strack Date
Deputy Attorney General
Attorney for Idaho Department of Lands

IDWR Concurrence:

For  9-17-19
Carter Fritschle Date
Manager, Water Rights Adjudication

 9/17/19
Meghan Carter Date
Deputy Attorney General
Attorney for IDWR

09/10/2019

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

RIGHT NUMBER: 95-9461

NAME AND ADDRESS: SPIRIT BEND WATER ASSN
STAR RT BOX 52B
SPIRIT LAKE ID 83869

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.440 CFS
45.00 AFY

PRIORITY DATE: 03/02/1998

POINT OF

DIVERSION: ~~T53N R04W S16 SESW Within KOOTENAI County~~
~~T53N R04W S21 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
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
0.440 CFS
45.00 AFY

PLACE OF USE:

Place of use is within the area served by the public water supply system of Spirit Bend Water Association. The place of use is generally located within Township 53 North, Range 4 West, Sections 16, 17, 20 and 21.

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 determine the amount of water diverted from power records and shall annually report the information to the department.

Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.

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

Right includes accomplished change in purpose of use pursuant to Idaho Code § 42-1425.

Right No. 95-9901 is also diverted through the point of diversion described above.

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of SEPT, 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

Spirit Bend Water Association
Star Rt Box 52 B
Spirit Lake, ID 83869

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

State of Idaho
Represented by:
Chief Natural Resources Division
Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010

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

Stooley-Denney
Signature of person delivering this document