

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

SEP 18 2019

In Re CSRBA

Case No. 49576

SUBCASE: 95-10175
STANDARD FORM 5

IDWR/NORTH

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.

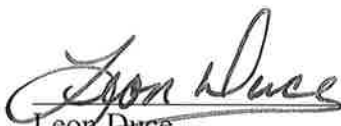
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT:

City of Rathdrum

OBJECTOR

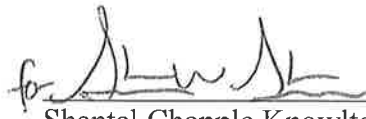
State of Idaho, Department of Lands



Leon Duce
City Administrator

9-18-19

Date



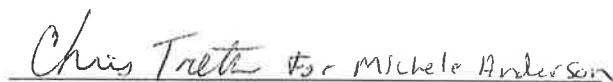
Shantel Chapple Knowlton
Deputy Attorney General

9-18-19

Date

OBJECTOR

State of Idaho, Department of Lands



Michele Anderson
Technical Services Bureau Chief
Idaho Department of Lands

Date

9-18-19

IDWR Concurrence:

For  9-18-17
Carter Fritschle Date
Manager, Water Rights Adjudication

 9/10/19
Garriek L. Baxter *FOIR* Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 95-10175

NAME AND ADDRESS: CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM ID 83858-6436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.800 CFS
140.00 AFY

PRIORITY DATE: 05/23/1978

POINT OF

DIVERSION: T51N R04W S5 NWSW Within KOOTENAI County
T51N R04W S6 SENE Within KOOTENAI County
T51N R05W S1 NENE Lot 1 Within KOOTENAI County
T51N R05W S12 SENE Within KOOTENAI County
T52N R04W S31 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>
MUNICIPAL	03/15 11/15	0.800 CFS 140.00 AFY

Municipal use is for irrigation of 40 acres within the authorized place of use in a single irrigation season.

PLACE OF USE:

Place of use is within the service area of the City of Rathdrum 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.

CLB
JLD
CT
SWS
mc

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

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.

The right holder shall accomplish the change authorized by Transfer No. 81271 by December 16, 2017.

Failure of the right holder to comply with the conditions of Transfer No. 81271 is cause for the Director to rescind approval of the transfer.

When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

This right is a split from former right 95-9539.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

CVS
JH
CT
SWS
MC

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

City of Rathdrum
8047 W. Main Street
Rathdrum, ID 83858-6436

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

Idaho Department of Lands
Represented by:
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

Scooby-Derney