

**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: 95-4457**
) **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/OBJECTOR

City of Post Falls

RESPONDENT

State of Idaho


Chris M. Bromley
Attorney at Law

1/6/2020
Date


Shantel Chapple Knowlton
Deputy Attorney General

1/7/2020
Date

IDWR Concurrence:


Craig Saxton
Manager, Adjudication Section

1/10/2020
Date


Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

1/9/2020
Date

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January, 201~~9~~²⁰ 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 Post Falls
Represented by:
Chris Bromley
380 S 4th Street Ste 103
Boise, ID 83702

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

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

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

Signature of Person delivering this document

Jori Harris

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

1/6/2020

RIGHT NUMBER: 95-4457

NAME AND ADDRESS: CITY OF POST FALLS
408 N SPOKANE ST
POST FALLS ID 83854-7538

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

The total instantaneous diversion of water from all points of diversion under Rights 95-4457, 95-4458, 95-4460, 95-7436, 95-8048, and 95-8862 shall not exceed ~~16.44~~ 16.48 cfs.

PRIORITY DATE: 07/07/1964

POINT OF DIVERSION: T51N R05W S34 NENE Within KOOTENAI County

PURPOSE AND PERIOD OF USE: This right does not grant any right-of-way or easement across the land of another.

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

Domestic use is for multiple ownership subdivisions, or commercial or business establishments.

PLACE OF USE:

DOMESTIC in KOOTENAI County
T51N R05W S34 NENE

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

~~No beneficial use found.~~

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Failure of the right holder to comply with the conditions of Transfer No. 70678 is cause for the Director to rescind approval of the transfer.

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.

Right Nos. 95-2094, 95-2124, 95-2166, 95-4458, 95-4460, 95-7436, 95-7781, 95-8048, 95-8768, 95-8862, 95-9137, 95-9147, 95-15535, and 95-17224 are also diverted through the point of diversion described above.

The right holder shall accomplish the change authorized by Transfer No. 70678 by December 22, 2004.