

AMENDED DIRECTOR'S REPORT

Subcase Nos. 95-4458, 95-4460, 95-7436, 95-8048, and 95-8862

In Re CSRBA

Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Craig L. Saxton, Manager, Adjudication Section

January th 14, 2020

DESCRIPTIVE SUMMARY

These are Amended Director's Reports submitted by the Director of the Idaho Department of Water Resources (IDWR).

DISCUSSION

On August 2, 2018, IDWR filed a Director's Report for 95-4457. On April 17, 2019, the City of Post Falls filed an objection to the Director's Report. Water rights 95-4458, 95-4460, 95-7436, 95-8048, and 95-8862 were identified as uncontested overlaps to 95-4457. As the result of the settlement of the objection to 95-4457, the original combined use condition in recommendations 95-4458, 95-4460, 95-7436, 95-8048, and 95-8862 requires revision to ensure consistency with conditions listed in 95-4457.

The Director submits for filing with the Court an Amended Director's Report for the aforementioned subcases (see attached recommendations).



CRAIG L SAXTON
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I certify that on January 14, 2020, I served the original and/or copies of this Amended Director's Report – Water Right Nos. 95-4458, 95-4460, 95-7436, 95-8048, and 95-8862, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court	☐ Overnight Mail
Coeur d'Alene-Spokane River Basin Adjudication	☒ Regular Mail
253 Third Avenue North	☐ Hand-Delivered
P.O. Box 2707	☐ Facsimile
Twin Falls, Idaho 83303-2707	

2. Copies to:

Director of IDWR	☐ Overnight Mail
PO Box 83720	☐ Regular Mail
Boise, ID 83720-0098	☒ Hand-Delivered
	☐ Facsimile

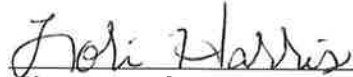
Kootenai County Courthouse	☐ Overnight Mail
PO Box 9000	☒ Regular Mail
Coeur d'Alene, ID 83816-9000	☐ Hand-Delivered
	☐ Facsimile

Chief, Natural Resources Div	☐ Overnight Mail
Office of the Attorney General	☒ Regular Mail
State of Idaho	☐ Hand-Delivered
PO Box 83720	☐ Facsimile
Boise, ID 83720-0010	

United States of America	☐ Overnight Mail
Represented by:	☒ Regular Mail
US Department of Justice	☐ Hand-Delivered
Environment & Natl' Resources	☐ Facsimile
550 West Fort Street, MSC 033	
Boise, ID 83724	

City of Post Falls
Represented by:
Chris Bromley
380 S. 4th Street. Ste 103
Boise, ID 83702

☐ Overnight mail
☒ Regular mail
☐ Hand-delivered
☐ Facsimile



Signature of person delivering form

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

01/10/2020

RIGHT NUMBER: 95-4458

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.520 CFS

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: 05/01/1947

POINT OF DIVERSION: T50N R05W S1 NWSW Within KOOTENAI County
T50N R05W S2 NENE Lot 1 Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T51N R05W S34 NENE Within KOOTENAI County
T51N R05W S34 NWNW Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S27 SWSE 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
	MUNICIPAL	01/01 12/31	1.520 CFS

PLACE OF USE:

Place of use is within the service area of the City of Post Falls municipal water supply system as provided for under Idaho Law.

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 - Beneficial Use

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.

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

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.

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

The following rights are diverted through point(s) of diversion described above: 95-2094, 95-2124, 95-2166, 95-4457, 95-4458, 95-4460, 95-7436, 95-7781, 95-8048, 95-8768, 95-8862, 95-9137, 95-9147, 95-15535, and 95-17224.

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

~~Approval of Transfer 70678 does not confirm Claimed Right 95-4458.~~

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

01/10/2010

RIGHT NUMBER: 95-7436

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.000 CFS

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: 04/30/1974

POINT OF DIVERSION: T50N R05W S1 NWSW Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S34 NENE Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T50N R05W S2 NENE Lot 1 Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T51N R05W S34 NWNW 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

MUNICIPAL

01/01 12/31

4.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Post Falls municipal water supply system as provided for under Idaho Law.

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.

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

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.

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

The following rights are diverted through point(s) of diversion described above: 95-2094, 95-2124, 95-2166, 95-4457, 95-4458, 95-4460, 95-7436, 95-7781, 95-8048, 95-8768, 95-8862, 95-9137, 95-9147, 95-15535, and 95-17224.

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

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

RIGHT NUMBER: 95-8048

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.790 CFS

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: 08/11/1980

POINT OF DIVERSION: T50N R05W S1 NWSW Within KOOTENAI County
T50N R05W S2 NENE Lot 1 Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T51N R05W S34 NENE Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S34 NWNW Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S27 SWSE 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
	MUNICIPAL	01/01 12/31	3.790 CFS

PLACE OF USE:

Place of use is within the service area of the City of Post Falls municipal water supply system as provided for under Idaho Law.

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.

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

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.

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

The following rights are diverted through point(s) of diversion described above: 95-2094, 95-2124, 95-2166, 95-4457, 95-4458, 95-4460, 95-7436, 95-7781, 95-8048, 95-8768, 95-8862, 95-9137, 95-9147, 95-15535, and 95-17224.

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

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

01/10/2020

RIGHT NUMBER: 95-8862

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.680 CFS

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: 03/23/1994

POINT OF DIVERSION: T51N R05W S34 NWNW Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S34 NWNE Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T51N R05W S27 SWSE Within KOOTENAI County
T50N R05W S1 NWSW Within KOOTENAI County
T50N R05W S2 NENE Lot 1 Within KOOTENAI County
T51N R05W S34 NENE 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

MUNICIPAL

01/01 12/31

4.680 CFS

PLACE OF USE:

Place of use is within the service area of the City of Post Falls municipal water supply system as provided for under Idaho Law.

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.

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

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.

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

The following rights are diverted through point(s) of diversion described above: 95-2094, 95-2124, 95-2166, 95-4457, 95-4458, 95-4460, 95-7436, 95-7781, 95-8048, 95-8768, 95-8862, 95-9137, 95-9147, 95-15535, and 95-17224.