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DEPARTMENT OF
WATER RESOURCES

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: 95-9880
) STANDARD FORM 5
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)
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)

STIPULATED ELEMENTS OF A WATER
RIGHT

☒ AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT

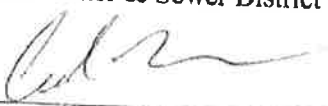
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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.

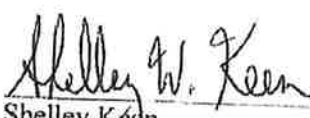
CLAIMANT:

Bayview Water & Sewer District


Calvin Nolan, Chairman of the Board Date
Bayview Water & Sewer District

1-29-2020

IDWR Concurrence:


Shelley Keen
Water Allocation Bureau Chief

1-29-2020
Date


Garrick Baxter
Deputy Attorney General
Attorney for IDWR

1/29/20
Date

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

01/28/2020

RIGHT NUMBER: 95-9880

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.040 CFS~~
~~2.80 AFY~~

1.670 CFS
589.40 AFY

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

PRIORITY DATE: 07/17/1981

POINT OF DIVERSION: T53N R02W S3 SWNW within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 - 12/31	~~0.040 CFS~~ ~~2.80 AFY~~
MUNICIPAL	01/01 - 12/31	1.670 CFS 589.40 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in KOOTENAI County

T53N R02W S02 Lot 1 NWNW	T53N R02W S02 Lot 2 SWNW
T53N R02W S03 Lot 1 NENE	T53N R02W S03 Lot 2 NWNE
T53N R02W S03 Lot 3 NWNW	T53N R02W S03 Lot 4 NWNW
T53N R02W S34 Lot 2 SWNE	T53N R02W S34 Lot 1 SENE
T53N R02W S34 SWNW	T53N R02W S34 SENW
T53N R02W S34 Lot 3 NESW	T53N R02W S34 NWSW
T53N R02W S34 SWNW	T53N R02W S34 Lot 4 SESW
T53N R02W S35 Lot 4 SWNW	

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.

Place of use is within the service area of Bayview Water and Sewer District 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. Idaho Code § 42-1412(6).

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

Right Nos. 95-9880 and 95-9460 are diverted through the point of diversion described above.

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.

S.W.K.

JS
CN

CERTIFICATE OF SERVICE

I hereby certify that on this 29TH day of JANUARY, 2020 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
☒ E-Mail

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

Signature of person delivering this document

SCOOLEY-DENNEY