

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: 95-7538

) 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.

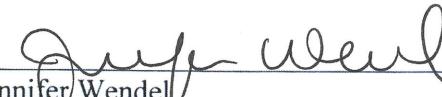
CLAIMANT/OBJECTOR

City of Post Falls

 8/5/20
Chris Bromley, Attorney at Law Date

IDWR Concurrence:

 8/10/2020
Craig Saxton Date
Manager, Adjudication Section

 8/5/2020
Jennifer Wendel Date
Deputy Attorney General
Attorney for IDWR

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

07/31/2020

RIGHT NUMBER: 95-7538

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.170 CFS 0.210 CFS
7.00 AFY 7.60 AFY

Right Nos. 95-7538 and 95-17307 are limited to a total combined diversion rate of 0.17 cfs.

Right Nos. 95-7538, 95-4187, and 95-17307 are limited to a total combined annual diversion volume of 19.00 AF.

~~Right Nos. 95-4187 and 95-7538 are limited to a total combined diversion rate of 0.04 cfs and to a total combined annual diversion volume of 1.2 AF for domestic use.~~

~~Right Nos. 95-7538 and 95-17307 are limited to a total combined diversion rate of 0.17 cfs for irrigation.~~

PRIORITY DATE: 06/09/1975

POINT OF DIVERSION: T50N R05W S3 SESW Lot 9 Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/01	0.170 CFS 7.00 AFY
DOMESTIC	04/01 10/01	0.040 CFS 0.60 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

~~Domestic use is for park restrooms, drinking fountains, and office.~~

PLACE OF USE:

IRRIGATION in KOOTENAI County
T50N R05W S03 Lot 9 SESW 5.80

DOMESTIC in KOOTENAI County
~~T50N R05W S03 Lot 9 SESW~~

5.8 ACRES TOTAL

This right is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season.

Right Nos. 95-7538, 95-4187, and 95-17307 are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season.

~~Right Nos. 95-7538 and 95-17307 are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season.~~

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

The remainder of this right was recommended as 95-4187.

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

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

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

Right No. 95-17307 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right No. 95-17307 is also diverted through the point of diversion described above.

~~Right Nos. 95-4187, 95-7538 and 95-17307 are diverted through the point of diversion described above.~~

~~Parcel Nos. P00000037125, P00000036995 and P00000036950~~

Point of Diversion Parcel No. P00000037125; Place of Use Parcel Nos. P00000037125, P00000036995, and P00000036950

CB

JW

CLS

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 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

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

United States of America
Represented by:
US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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

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

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

Signature of Person delivering this document

Dori Harris