

**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

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)

Water Right(s): 95-9129

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer

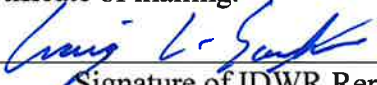
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

XX IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 25, 2021, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Coeur D'Alene-Spokane River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Off ice of the Attorney General	☐	overnight mail
P.O. Box 83720	☒	regular mail
Boise, ID 83720-0010	☐	hand-delivered
	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

North Kootenai Water District	☐	overnight mail
c/o Christopher Meyer	☒	regular mail
601 W Bannock St	☐	hand-delivered
PO Box 2720	☐	facsimile
Boise ID 83701-2720		

North Kootenai Water District	☐	overnight mail
c/o Michael C. Creamer	☒	regular mail
601 W Bannock St	☐	hand-delivered
PO Box 2720	☐	facsimile
Boise ID 83701-2720		


Signature of person mailing this document

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

RIGHT NUMBER: 95-9129

NAME AND ADDRESS: NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM ID 83858-4904

SOURCE: GROUND WATER

TRIBUTARY:

The source of water for this right is limited to the Rathdrum Prairie Aquifer.

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

This right shall be subject to the provisions of the Rathdrum Prairie Ground Water Management Plan.

QUANTITY: ~~0.950~~ 0.530 CFS
51.60 AFY

Rights 95-2144, 95-2205, 95-7138, 95-7185, 95-7231, 95-7271, 95-7713, 95-7763, 95-7827, 95-8522, 95-9639, 95-9129, 95-9199, 95-9217, 95-9244, and 95-10019 when combined shall not exceed a total annual maximum diversion volume of 11,100 af.

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 determine the amount of water diverted from power records and shall annually report the information to the Department.

PRIORITY DATE: 06/13/2008

POINT OF DIVERSION: T52N R04W S17 SESE Within KOOTENAI County
T51N R04W S2 SWSW Within KOOTENAI County
T52N R04W S28 NENE Within KOOTENAI County
T52N R04W S28 NESE Within KOOTENAI County
T53N R04W S28 NENW Within KOOTENAI County
T52N R04W S6 NENE Within KOOTENAI County
T52N R04W S33 SENE Within KOOTENAI County
T52N R04W S17 SESE Within KOOTENAI County
T52N R04W S17 SESE Within KOOTENAI County
T52N R03W S8 SNNW Within KOOTENAI County
T52N R03W S7 SENE Within KOOTENAI County
T52N R03W S18 NWSE Within KOOTENAI County
T51N R04W S14 NWNE Within KOOTENAI County
T51N R04W S15 SWSE Within KOOTENAI County
T51N R04W S23 NESE Within KOOTENAI County
T51N R04W S23 SWSE Within KOOTENAI County
T51N R04W S24 NWSW Within KOOTENAI County
T51N R05W S23 SESE Within KOOTENAI County
T51N R05W S32 NESW Within KOOTENAI County
T51N R05W S32 SESW Within KOOTENAI County
T51N R04W S2 SWSW Within KOOTENAI County
T51N R04W S23 NESE Within KOOTENAI County
T51N R04W S2 SWSW Within KOOTENAI County
T51N R04W S23 NESE Within KOOTENAI County
T52N R03W S18 NWSE Within KOOTENAI County

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its priority established in the permit reinstatement order issued on 09/04/2008 for well locations authorized under this right as identified in permit 95-9129 dated 03/06/2003.

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	0.950 0.530 CFS 51.60 AFY

PLACE OF USE:

~~Place of use is within the area served by the public water supply system of Sylte Development LLC. The place of use is generally located within Sections 21 and 28, Township 52N, Range 4W.~~

Place of use is within the service area of North Kootenai Water District as provided for under Idaho law. The place of use is generally located within T49N R3W, T50N R4W, T51N R3W, T51N R4W, T51N R5W, T52N R3W, T52N R4W, T53N R3W, T53N R4W, and T53N R5W.

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.

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

~~This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.~~

~~Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.~~

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.

Noncompliance with any condition of this right is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

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.

The right holder shall maintain an operational integrated data collection and reporting system that instantaneously reports to a central location relevant pumping and related information, including instantaneous flow rates and cumulative volumes, for each point of diversion authorized under this right. The right holder shall allow the Department and the watermaster with responsibility for administration of this right physical access to view the data collection system at each point of diversion and at the central data monitoring location for regulatory and compliance purposes.

When notified by the Department or by a watermaster with responsibility for administration of this right that curtailment by priority is required, the right holder shall cease diverting water pursuant to this right. To accomplish the curtailment, the right holder shall, under the supervision and direction of the Department and the watermaster, use its integrated data collection and reporting system with the accounting system approved by the Department to ensure that the water being diverted does not exceed the authorized diversion rates and volumes for its water rights that remain in priority.

If the Department determines use of the right holder's integrated data collection and reporting system with the accounting system is ineffective for administration by priority, the Department may issue an order reducing the points of diversion to one or more of the integrated water systems operated by the right holder. If the Department issues such an order, the right holder shall be entitled to a hearing pursuant to Idaho Code § 42-1701A.

The right holder shall maintain records of the maximum daily diversion rate and the total volume of water diverted each day from each point of diversion for this water right for at least the most recent five years. The right holder shall report the water diversion data to the Department as instructed by the Department. The right holder shall report the first 12 months of data, from the date of approval of this license, to the Department within 30 days of the completion of the 12 month period, and shall submit further reports upon request by the Department.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit 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 Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.