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MAY 20 2002

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No. 95-9115

RECEIVED

JAN 18 2002

IDWR/North

Under the provisions of Section 42-243 Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from the requirement, as are uses of water for domestic purposes as defined in Section 42-111 Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Avista Corporation, formerly known as The Washington Water Power Company
(Name of Claimant)

P.O. Box 3727, Spokane, Washington
(Mailing Address)

99220-3727

(Zip Code)

Telephone No: 509-489-0500

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 1, 1907
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

St. Joe River tributary to Coeur d'Alene Lake
St. Maries River tributary to Coeur d'Alene Lake
Cd'A River tributary to Coeur d'Alene Lake

Coeur d'Alene Lake tributary to Spokane River
Spokane River tributary to Columbia River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)

Quantity 164,400 af Use Storage for power
Quantity 164,400 af Use Power from storage
Quantity Use
Quantity Use

(MM/DD) (MM/DD)
Period of Use From 01/01 to 12/31
Period of Use From 01/01 to 12/31
Period of Use From to
Period of Use From to

4. 164,400 af TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SE 1/4 of NE 1/4 of 1/4, Govt. Lot
Sec. 4 Township 50 N Range 5W B.M., Kootenai County;

This is a claim for the right to store waters in Coeur d'Alene Lake and St. Joe, St. Maries, Coeur d'Alene, and Spokane Rivers and the connected and tributary waters for use for the generation of hydroelectric power of the Post Falls Hydroelectric Development (HED). The waters are stored with the use of three dams (including a powerhouse) located at Post Falls, Idaho. The location of the Post Falls reservoir is shown in Exhibit 1 (a copy of sheet 1A of 77 as part of Exhibit G for the Post Falls HED, Project No. 2545 as licensed by the Federal Energy Regulatory Commission under the Federal Power Act). Exhibit 2 (a copy of Sheet 1 of 77 of the Exhibit G drawings for Project No. 2545) shows the location of the dams and powerhouse.

Additional points of diversion, if any: N/A

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give size and capacities. Be specific. Describe any changes in the system and give the date of the changes.

The dams and powerhouse are the points of diversion and the reservoir is the place of storage of water for this Claim. From 1941 to present, the Post Falls HED was operated with a full pool reservoir elevation of 2128.0 feet above mean sea level (msl) as measured by the USGS gaging station located at the City of Coeur d'Alene, Idaho. The vertical datum for the USGS Coeur d'Alene, Idaho, gaging station is referenced to a USGS BM at the southeast corner of the former Merriam Building having an original elevation of 2157.404 feet above msl. The vertical datum for the USGS Coeur d'Alene Lake gaging station is 3.05 feet above the NGS Datum. The waters stored under this claim are utilized for the generation of hydroelectric power at the Post Falls HED, which is part of the Spokane River Project, FERC Project No. 2545. The 60,600 af claimed herein is the storage in the Post Falls reservoir between elevation 2126.5 feet and 2128.0 feet above msl as measured by the USGS gage at Coeur d'Alene, Idaho. The use of water for such generation is the subject matter of Water Right Claim No. 95-4518 and License No. 95-08003 (copies attached to cover letter) submitted to the State of Idaho Department of Water Resources.

JAN 29 2003

*Avista recognizes that the United States Supreme Court has ruled that the United States, as Trustee for the Coeur d'Alene Tribe, owns lands underlying portions of Coeur d'Alene Lake and the St. Joe River. As a result of the decision, Avista will submit this document to the Tribe pursuant to Coeur d'Alene Tribal Code 44-24.01 as amended 9/28/2000.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

See attached Exhibit 3.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
50N	5W	3										X	X						
50N	5W	4				X									X				

TOTAL ACRES: The reservoir area is approximately 48,000 acres. See attached Exhibit 1, 2 and 3.

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.
See description in 5A and 5B.

NOTE: Include here the type and number of stock watered: N/A

7. Remarks:

See remarks made in 5A and 5B.

8. Map -- Attach an 8 1/2 "x 11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available. See attached Exhibits 1 and 2.

State of Washington)
County of Spokane) ss.

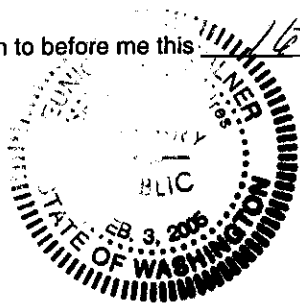
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of affiant's knowledge.

Avista Corporation

Scott Morris

Claimant's Signature (and title if claim is for an organization)
Scott Morris, President, Avista Utilities

Sworn to before me this 16th day of January, 2002.



Junie M. Mulner
Notary Public

Residing at Spokane

My commission expires: 2/3/05 **MICROFILMED**

FOR DEPARTMENT USE ONLY

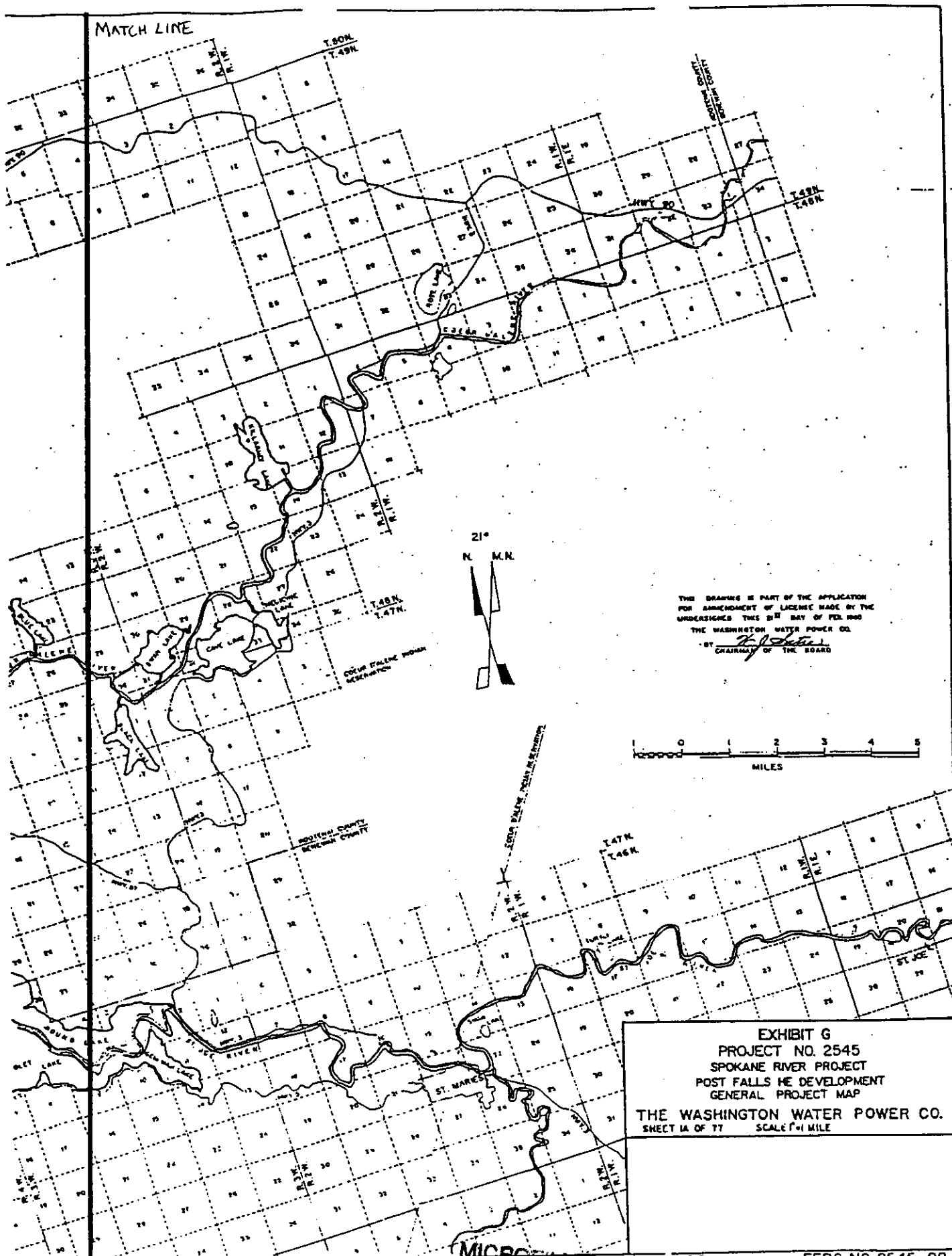
JAN 29 2003

Received by see list below Date 1/18/02 Published in

Prelim. check by OK Date 3/21 & 28/02
Fee 250.00 Receipt # N014790 Publication checked by OK Date 5/13/02
Receipt prepared by OK Date 10/24/01 Exceptions filed by OK

Published in	Checked by	Date
3/21 & 28/02	OK	4/1/02
OK	OK	3/29/02
OK	OK	4/1/02
OK	OK	4/8/02
OK	OK	5/13/02

Paper missed 1st date
Adv. 5/12 & 9/02



THIS DRAWING IS PART OF THE APPLICATION
FOR AMENDMENT OF LICENSE MADE BY THE
UNDERSIGNED THIS 27TH DAY OF FEB. 1960
THE WASHINGTON WATER POWER CO.
BY *H. J. Schuler*
CHAIRMAN OF THE BOARD



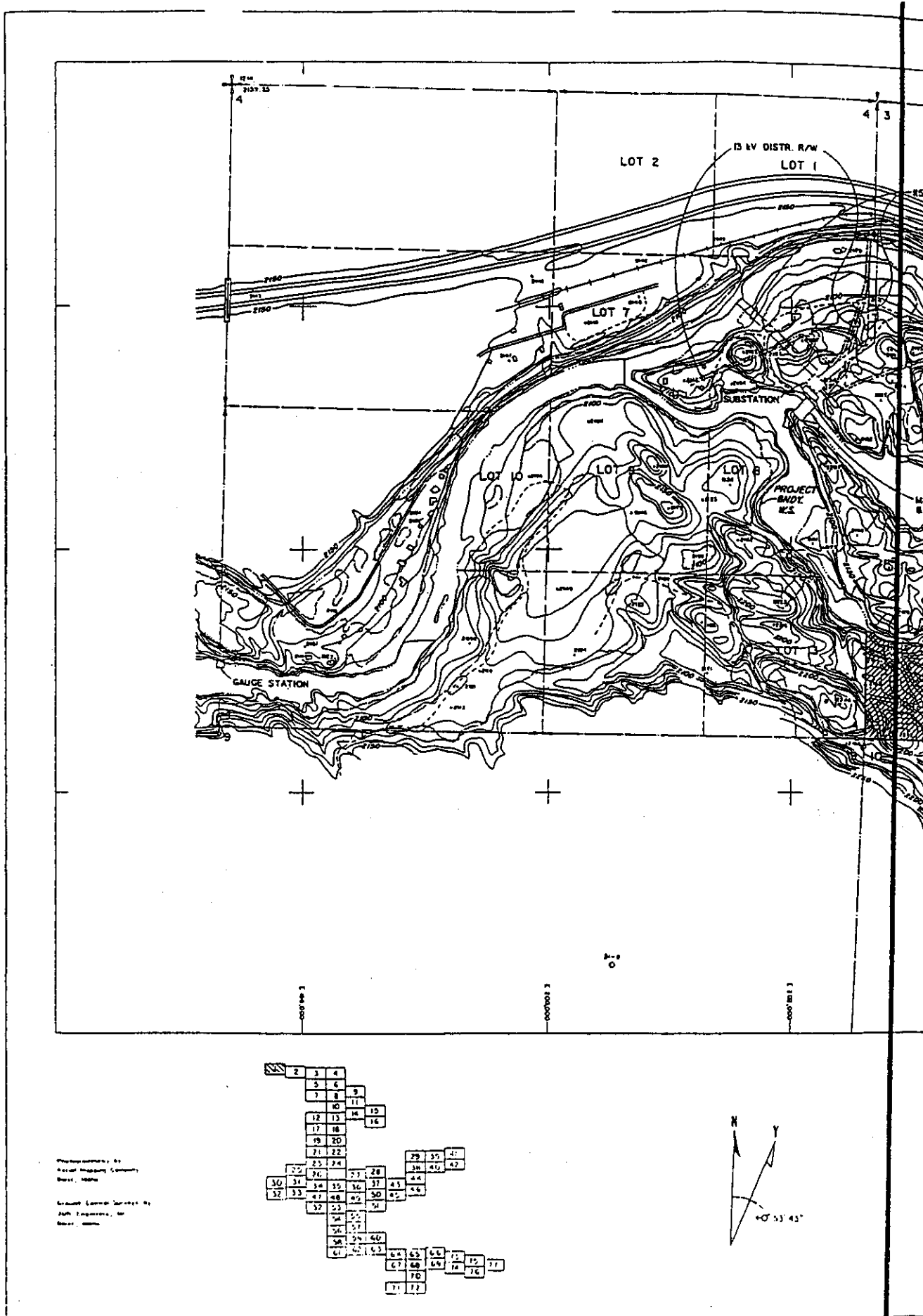
EXHIBIT G
PROJECT NO. 2545
SPOKANE RIVER PROJECT
POST FALLS HE DEVELOPMENT
GENERAL PROJECT MAP
THE WASHINGTON WATER POWER CO.
SHEET 1A OF 17 SCALE 1"=1 MILE

MICROFILMED M-32000

FERC NO. 2545-99

Exhibit 1
JAN 29 2003

LINE



MICROEXHIBIT 2

JAN 29 2003



Exhibit 3

**Claim of Water Right for
The Post Falls Hydroelectric Development**

Avista Corporation claims the right to occupy the lands shown in the notes, maps and exhibits, which are actually occupied by the reservoir. By submitting this claim and the notes, maps, and exhibits attached hereto, Avista Corporation is not waiving, releasing or abandoning any right that it may have to occupy the lands which are occupied in fact by the Post Falls HED reservoir.

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JAN 29 2003

AVISTA CORPORATION

TO

CITIBANK, N.A.

*As Successor Trustee under
Mortgage and Deed of Trust,
dated as of June 1, 1939*

Thirty-first Supplemental Indenture

*Providing among other things for a series of bonds designated
"First Mortgage Bonds, Collateral Series due 2004"
Due May 11, 2004*

Dated as of May 1, 2003

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DEC 03 2003

NY1 753351v4



CLAIM NO. 95 - 9115
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Exhibit 3

**Claim of Water Right for
The Post Falls Hydroelectric Development**

Avista Corporation claims the right to occupy the lands shown in the notes, maps and exhibits, which are actually occupied by the reservoir. By submitting this claim and the notes, maps, and exhibits attached hereto, Avista Corporation is not waiving, releasing or abandoning any right that it may have to occupy the lands which are occupied in fact by the Post Falls HED reservoir. *

***Exhibit 3 is not applicable to lands within the Coeur d'Alene Reservation.**

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DEC 03 2003

Avista Utilities
1411 East Mission PO Box 3727
Spokane, Washington 99220-3727
Telephone 509-489-0500
Toll Free 800-727-9170



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JAN 18 2002
IDWR/North

January 14, 2002

Mr. Al Beardslee
Senior Water Resource Agent
Idaho Department of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Beardslee:

RE: Water Storage Rights for the Post Falls HED

In reference to an Idaho Department of Water Resources letter (from Ralph Mellin) dated February 19, 1999, enclosed are two claims to water rights for storage at the Post Falls Hydroelectric Development, Spokane River Project, FERC No. 2545. These claims are submitted by Avista Corporation, formerly known as The Washington Water Power Company. A check for \$500, \$250 per claim, was forwarded on December 24, 2001, and was documented on receipt number ID N014790.

Avista already holds the following claims associated with the Post Falls HED (copies attached):

Water License No. 95-08003	Priority date of 3/17/80	1,150 cfs
Water Right Claim No. 95-4518	Priority date of 7/1/07	4,250 cfs

If you have any questions on this matter, please call Michele Drake at (509) 495-8941.

Sincerely,

A handwritten signature in cursive script that reads "Steven A. Fry".

Steven A. Fry, P.E.
Hydro Licensing and Safety Manager
509-495-4084

Enclosures (4)

c: Bob Anderson
Michele Drake
Bruce Howard
Toni Pessemier

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JAN 29 2003

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 95-08003

Priority: March 17, 1980

Maximum Diversion Rate:

1150.00 CFS

This is to certify, that WASHINGTON WATER POWER CO
PO BOX 3727
SPOKANE WA 99220

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 17, 1980; and
has submitted Proof of Beneficial Use on November 15, 1984. An examination indicates
that the works have a diversion capacity of 1401.000 cfs of water from:

SPOKANE RIVER tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

POWER

01/01 to 12/31

1150.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE, Sec. 4, Township 50N, Range 05W
KOOTENAI County

PLACE OF USE: POWER

TWN RGE SEC

50N 05W 4

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
5. Use of water under this right shall be non-consumptive.

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JAN 29 2003

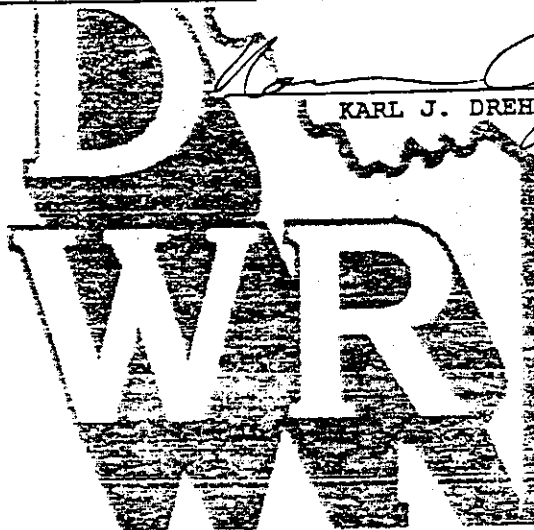
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 95-08003

CONDITIONS OF APPROVAL AND REMARKS

6. The diversion and use of water under this license is subject to review by the Director after the date of expiration of the license issued by the Federal Energy Regulatory Commission for Project No. 2545-004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
7. Water used under this right shall meet Idaho Water Quality Standards.
9. This license is for operation of the sixth turbine installed at the Post Falls Hydroelectric Development.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28TH
day of JUNE, 1996.


KARL J. DREHER, DirectorMICROFILMED
JAN 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that The Washington Water Power Company
(Name of Claimant)
P. O. Box 3727, Spokane, Washington 99220 Telephone No. (509) 489-0500
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1907

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spokane River tributary to Columbia River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>4250 cfs</u>	Use <u>Elec. Power Generation</u>	Period of Use From <u>January 1</u>	To <u>December 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 4250 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 4 Twp. 50N Rge. 5 W B.M., County of Kootenai
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Five (5) turbine generators each rated at 3260 HP and an 11 1/2-foot diameter penstock using 850 cfs w/62 ft head.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
50N	5 W	4				X													

No. of acres _____

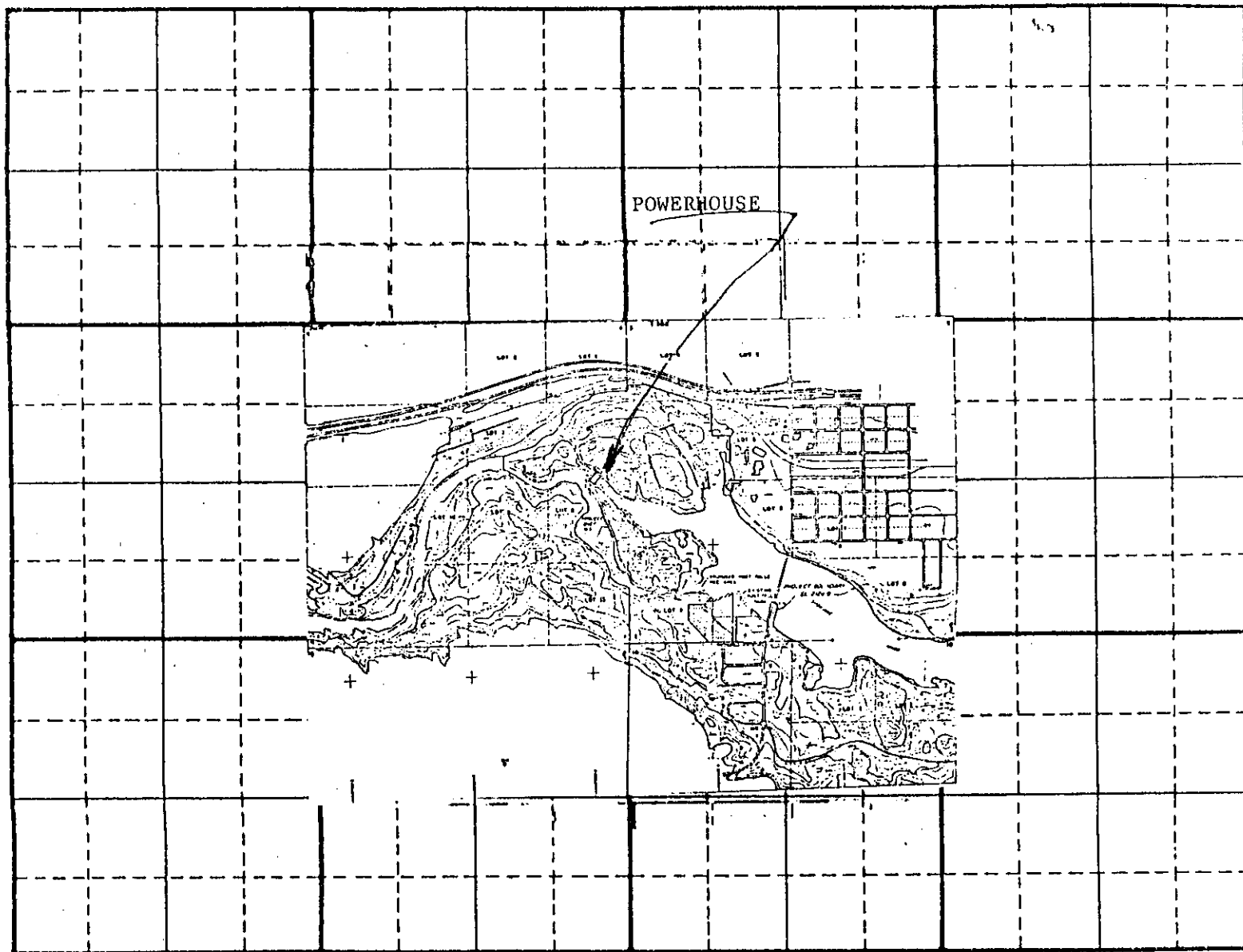
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water under head is used to turn a hydraulic turbine which through a shaft drives an electric generator and electricity is produced, then distributed to users.

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: MICROFILMED

JAN 29 2003

(8) Remarks See attached sheet.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~Idaho~~ Washington)
County of Spokane) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

THE WASHINGTON WATER POWER COMPANY
James I. Fuller, P.E.
Supervisor, (Claimant) Generation Engineer in

Sworn to before me this 16th day of December, 19 82.

Marjorie Hargan
Notary Public
Residing at Spokane, Washington.

My commission expires 8/20/86.

FOR DEPARTMENT USE ONLY

Received by JPR Date 1-3-83 Exception filed by: _____ Date _____
Prelim. check by JPR Date 1-7-83
\$30.00 fee received by JPR Date 1-12-83-(24803)
Published in Coeur d'Alene Press
Dates 2/3/10/83

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JAN 29 2003

No. 8 - Remarks

The Washington Water Power Company claims the right to use all of the water of the Spokane River at Post Falls for water power purposes. The Company owns all of the land on which the Post Falls dams and water power works are located. The date of priority of such claim is June 1, 1871, which was confirmed March 3, 1891, by Act of Congress (26 Stat.989). A United States Patent was issued to Frederick Post for the land and water power at the Post Falls site. The Company has acquired the land and water power rights and has put to beneficial use the above quantities of water since 1907.

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JAN 29 2003