

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |   |                                                           |
|-----------------------|---|-----------------------------------------------------------|
| <b>In Re CSRBA</b>    | ) | <b>SUBCASE: 95-9115</b>                                   |
|                       | ) | <b>STANDARD FORM 5</b>                                    |
| <b>Case No. 49576</b> | ) |                                                           |
|                       | ) | <b>STIPULATED ELEMENTS OF A WATER</b>                     |
|                       | ) | <b>RIGHT</b>                                              |
|                       | ) |                                                           |
|                       | ) | <input type="checkbox"/> <b>AMENDED NOTICE OF CLAIM /</b> |
|                       | ) | <b>DIRECTOR'S REPORT</b>                                  |

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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.

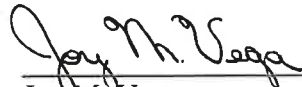
The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended 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**  
Avista Corporation

 2/20/2026  
Chris M. Bromley, Attorney at Law      Date

**OBJECTOR**  
State of Idaho

 3/6/2026  
Joy M. Vega      Date  
Chief, Energy and Natural Resources Div.  
Office of the Attorney General

**RESPONDENTS**

North Idaho Water Rights Alliance  
Northwest Property Owners Association  
Coeur d'Alene Lakeshore Property Owners  
Hagadone Hospitality Co.



3/10/2026

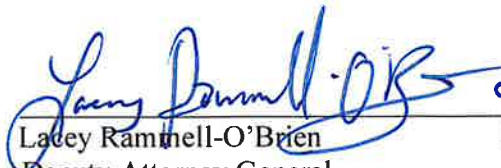
Norman M. Semanko, Attorney at Law      Date

**IDWR Concurrence:**



3/13/2026

Craig L. Saxton      Date  
Water Allocation Bureau Chief



03/13/26

Lacey Rammell-O'Brien      Date  
Deputy Attorney General  
Attorney for IDWR

## CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of APRIL, 2026, 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

Avista Corporation  
Represented by:  
Chris M. Bromley  
P.O. Box 107  
Boise, ID 83701

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

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

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

North Idaho Water Rights Alliance  
Northwest Property Owners Association  
Coeur d'Alene Lakeshore Property Owners  
Hagadone Hospitality Co.  
Represented by:  
Norman M. Semanko  
800 West Main Street Ste 1300  
Boise, ID 83702

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

Signature of Person delivering this document



07/27/2018 02/15/2026

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

RIGHT NUMBER: 95-9115

NAME AND ADDRESS: AVISTA CORP  
DIRECTOR OF ENVIRONMENTAL AFFAIRS MSC-1  
PO Box 3727  
1411 E MISSION AVE  
SPOKANE WA 99202-3727

SOURCE: COEUR D ALENE LAKE  
SPOKANE RIVER

TRIBUTARY: SPOKANE RIVER  
TRIBUTARY: COLUMBIA RIVER

QUANTITY: 213,354.00 AFY

The quantity identified is to achieve a water surface elevation at or near 2126.5 feet to generate power from storage.

~~The volume of water for power storage under this right is deemed satisfied when the elevation of Coeur d Alene Lake stabilizes at or near 2128 feet above mean sea level (MSL) following the spring runoff as measured at the USGS Coeur d Alene Lake Gage (12415500) at Coeur d Alene, ID.~~

PRIORITY DATE: 07/02/1907

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses within the State of Idaho with a priority date of, or earlier than, July 25, 2018, diverted upstream from all ~~three~~ the points of diversion for this right.

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses, except for permits, licenses, or decrees for irrigation storage or power purposes, within the State of Idaho with a priority date later than July 25, 2018, diverted upstream from all ~~three~~ the points of diversion for this right.

The use of water confirmed in this right shall not be subordinate to permits, licenses, or decrees within the State of Idaho diverted downstream from all ~~three~~ the points of diversion for this right.

POINT OF  
DIVERSION:

T50N R05W S3 NWSW Within KOOTENAI County  
T50N R05W S3 SWSW Within KOOTENAI County  
T50N R05W S4 SENE Within KOOTENAI County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE     | PERIOD OF USE           | QUANTITY       |
|--------------------|-------------------------|----------------|
| POWER STORAGE      | 01/01 12/31 05/01 04/30 | 213,354.00 AFY |
| POWER FROM STORAGE | 01/01 12/31 05/01 04/30 | 213,354.00 AFY |

~~This right is for the maintenance of the lake elevation at 2126.5 feet above MSL for the power head at the Post Falls middle channel dam to generate power under Right Nos. 95-4518 and 95-8003. The period of use for power storage begins each year when the lake elevation stabilizes at or near 2128 feet above MSL following the spring runoff. The 2126.5 foot elevation is maintained until all of the water stored for power purposes under Right No. 95-9119 has been released each fall. The water stored under this right is then released for generating power.~~

~~Storing water in Coeur d Alene Lake under this right and Right No. 95-9119 is to maintain the surface elevation of the lake at or near 2128 feet above MSL from the time when the lake elevation stabilizes at or near 2128 feet above MSL after spring runoff until the first Tuesday after Labor Day.~~

Storage of water under this partial decree and the partial decree for water

right no. 95-9119 achieves, stabilizes, and maintains the lake elevation at or near 2128 feet as early as practicable each year until the first Tuesday after Labor Day. The water stored under this right is then released for generating power.

Power generation is at the Post Falls Power Plant.

**PLACE OF USE:** POWER FROM STORAGE in KOOTENAI County

T50N R05W S04 SENE

**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.

This partial decree does not alter, amend, or modify the State of Idaho's Clean Water Act Section 401 Certification or the Federal Energy Regulatory Commission's license No. 2545 issued on June 18, 2009 and expiring on June 17, 2059 for the Spokane River Project.

This partial decree does not affect any future licensing or relicensing by FERC or any successor that may occur for power generation at Post Falls.

The lake elevations under this right and water right no. 95-9119 are measured at the USGS Coeur d'Alene Lake Gage (12415500) at Coeur d'Alene, ID.

This partial decree does not permit trespass or otherwise grant any right-of-way or easement across the land held in trust or restricted fee by the United States for, or otherwise held by, the Coeur d'Alene Tribe, its members, or allottees; storage of water upon submerged lands within the boundaries of the Coeur d'Alene Reservation is conditioned upon authorization from the Coeur d'Alene Tribe. Natural fluctuations in Coeur d'Alene Lake do not constitute trespass.

**EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use**

The points of diversion are the three dams on the Spokane River at Post Falls.

Parcel No. 50N05W042300

CB

JMS

NMS

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CLS