

☐ C) Right based on application, permit, license, or claim filed with the Idaho Department of Water Resources.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

(Signature of Claimant)

(Signature of Spouse)

Organization

(Signature of Authorized Agent)

, in the year , before me,

State of IDAHO ss. Organization

County of BOYER

On this 10th day of June

a notary public, personally appeared

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or individuals) executed the same.

Notary Public residing at Coeur d'Alene
Bozeman Idaho State of Idaho

My commission expires

LISTING OF WATER RIGHTS

PAGE 20

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	BASIS OF RIGHT
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SOURCE: GROUNDWATER

TRIBUTARY:

95-1045	HERGERT, EUGENE HERGERT, MILDRED S. 10701 W. THOMPSON RD. COEUR D'ALENE, ID 83814 POINT OF DIVERSION: PLACE OF USE:	06-01-1976	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	.02 CFS .04 CFS .06 CFS TOTAL	BENEFICIAL USE
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95-1063	KNIGHT, STEVEN C. KNIGHT, ELAINE 7645 W. COUGAR GULCH RD. COEUR D'ALENE, ID 83814 POINT OF DIVERSION: PLACE OF USE:	06-01-1976	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
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95-1077	POISEL, ELDON POISEL, VIRGINIA W. 7250 CLEMETSON RD. COEUR D'ALENE, ID 83814 POINT OF DIVERSION: PLACE OF USE:	06-01-1976	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
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			T50N R04W S19 T50N R04W S19	SENESE NESW		
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95-1011	TOBIN, THOMAS TOBIN, BETTE W. 7078 CLEMETSON RD. COEUR D'ALENE, ID 83814 POINT OF DIVERSION: PLACE OF USE:	06-06-1976	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
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95-1083	MANGAN, JAMES P. MANGAN, JULIA B. 9550 THOMPSON RD. COEUR D'ALENE, ID 83814 POINT OF DIVERSION: PLACE OF USE:	08-20-1976	DOMESTIC	01-01 12-31	.04 CFS	BENEFICIAL USE
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			T50N R05W S25 T50N R05W S25	SVSW SVSW		
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STATE OF IDAHO }
COUNTY OF KOOTENAI } ss
FILED:

FEB 26 9 20 AM '88

CLERK DISTRICT COURT

DEPUTY

JIM JONES
Attorney General

PHILLIP J. RASSIER
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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

IN RE THE GENERAL ADJUCIATION
OF RIGHTS TO THE USE OF SURFACE
AND GROUND WATER FROM THE
COUGAR CREEK WATER SYSTEM.

Civil No. 63035

ROBERT L. BERSHERS and LOUISE
BERSHERS, husband and wife,

PARTIAL DECREE OF
UNCONTESTED PORTIONS
OF DIRECTOR'S REPORT

Plaintiffs,

v.

THE STATE OF IDAHO, DEPARTMENT
OF WATER RESOURCES, R. KEITH
HIGGINSON, DIRECTOR; PHILLIP
BLINN JR; FRANK J. DeGRYSE and
OPAL L. DeGRYSE, husband and
wife; ARIEL C. EMBREY and EVA
EMBREY, husband and wife; HENRY
GOTZ and JANE DOE GOTZ, husband
and wife; and ALLEN WILHELM and
JOANNE WILHELM, husband and wife,

Defendants.

Idaho Code §42-1412(9) (Supp. 1987) provides for entry of a partial decree of the uncontested portions of the director's report.

The Director's Report (Report) was filed June 19, 1987. The Report contains findings of fact, conclusions of law, a list of rights/claims recommended to be disallowed, and a listing of all rights to the use of surface and ground water from the Cougar Creek water system, including as to each water right listed each element of a water right as specified by Idaho Code §42-1411 (Supp. 1987).

The Report was amended by the Supplement to Director's Report (Supplement) filed July 6, 1987. The Report was further amended by the Order Amending Director's Report and Substituting Party Defendant (Order) filed February 4, 1988, which amended the report as set forth in the following documents:

1. Response to Blinn Objection, Motion to Amend Report, and Notice of Hearing (Blinn Response), filed December 24, 1987,
 2. Response to Mooney Objection, Motion to Amend Report, and Notice of Hearing (Mooney Response), filed December 24, 1987,
 3. Response to DeGryse Objection, Motion to Amend Report, and Notice of Hearing (DeGryse Response), filed December 24, 1987,
 4. Motion to Amend Report and Notice of Hearing (Motion), filed December 24, 1987.
- The Report, Supplement, Order, Blinn Response, Mooney Response, DeGryse Response, and Motion are incorporated herein by this reference.

The director has filed a list describing the uncontested portions of the director's report as required by Idaho Code §42-1412(9) Supp. 1987). The uncontested portions of the report consist of the report as amended by the supplement and the order, except for the following portions of the report:

1. Water Right No. 95-1104B, recommended as described in Exhibit A to the Supplement,
2. Water Right No. 95-1104A, recommended as described in Exhibit A to the Blinn Response,
3. Water Right No. 95-4654, recommended as described in Exhibit A to the Blinn Response,
4. Water Right No. 95-2086, recommended as forfeited at page 10 of the report.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to Idaho Code §42-1412(9) (Supp. 1987), that the rights to the use of surface and groundwater from the Cougar Creek Drainage Basin are as described in the director's report, as amended by the supplement and the order, except for water right nos. 95-1104A, 95-1104B, 95-4654, and 95-2086, which are not determined by this partial decree and will be determined by this court at a later date.

DATED this 25th day of February, 1988.
Gary M. Haman, District Judge

RULE 54(B) CERTIFICATE

With respect to the issues determined by the above decree, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of entry of a final decree and that the court has and does hereby direct that the above decree shall be a final decree and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED this 25th day of February, 1988.
Gary M. Haman, District Judge

STATE OF IDAHO
Department of Water Resources

No 32190

Boise, Idaho, 6/16, 1986

RECEIVED FROM James Mangan CD'A \$ 25.00
Twenty five and 00/100 DOLLARS

FOR		
<u>Claim</u>	\$	<u>25</u> <u>00</u>
<u>Cougar Creek</u>	\$	
	\$	
	\$	
	\$	
TOTAL - - -	\$	<u>25</u> <u>00</u>

