

**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: 91-7386**
)
)

) **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:

Dennis Powell

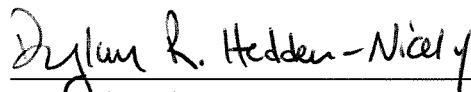
OBJECTOR:

Coeur d'Alene Tribe

1-19-16

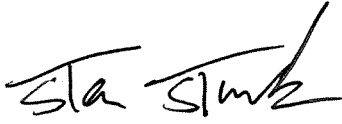
Dennis Powell, Pro Se Date

for

 *1/17/16*
Howard Funke, Attorney Date

RESPONDENT:

State of Idaho

 1-27-16

Steven Strack

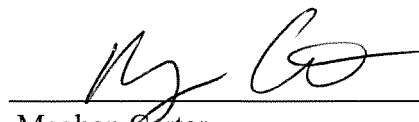
Date

Deputy Attorney General

IDWR Concurrence:


Evan Roda
Senior Water Resource Agent

1/14/16
Date


Meghan Carter
Deputy Attorney General
Attorney for IDWR

1/25/16
Date

12/17/2015

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 91-7386

NAME AND ADDRESS: DENNIS WILLARD POWELL
2020 CENTER AVE
SAINT MARIES ID 83861

SOURCE: ST JOE RIVER

TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/20/1915

POINT OF DIVERSION:

T46N R02W S14 ~~SWNW~~ SENE Within BENEWAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in BENEWAH County

T46N R02W S14 Lot 8 NESW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 -

Parcel Nos. RP003800100101A and RP46N02W145610A

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2016, I caused to be served a copy of the Standard Form 5 – Amended Notice of Claim / Director's Report by the following method to:

1. Original to:

Clerk of the District Court	☐ Overnight Mail
Coeur d'Alene-Spokane River Basin Adj.	☒ Regular Mail
P.O. Box 2707	☐ Hand-delivered
Twin Falls, ID 83303-2707	☐ Facsimile

2. Copies to:

IDWR Document Depository	☐ Overnight Mail
322 East Front St.	☐ Regular Mail
P.O. Box 83720	☒ Hand-delivered
Boise, ID 83720-0098	☐ Facsimile

Dennis Willard Powell	☐ Overnight Mail
2020 Center Ave	☒ Regular Mail
Saint Maries, ID 83861	☐ Hand-Delivered
	☐ Facsimile

Coeur d'Alene Tribe	☐ Overnight Mail
Represented by:	☒ Regular Mail
Howard A. Funke	☐ Hand-Delivered
424 Sherman Ave Ste 308	☐ Facsimile
PO Box 969	
Coeur d'Alene ID 83816-0969	

State of Idaho	☐ Overnight Mail
Represented by:	☒ Regular Mail
Chief Natural Resources Div	☐ Hand-Delivered
Office of the Attorney General	☐ Facsimile
State of Idaho	
PO Box 83720	
Boise, ID 83720-0010	

Signature of person delivering this document

Jodi Harris