

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)
) SUBCASE: 92-10342
) STANDARD FORM 5
Case No. 49576)
) STIPULATED ELEMENTS OF A WATER
) RIGHT
)
)
)
) ☐ AMENDED NOTICE OF CLAIM /
) DIRECTOR'S REPORT

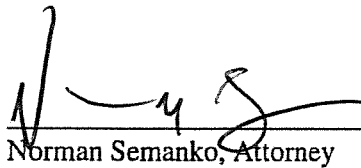
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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.

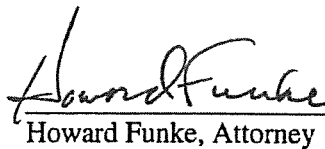
CLAIMANTS:

Kevin Kilwein
Mary Kilwein

 3-24-16
Norman Semanko, Attorney Date

OBJECTOR:

Coeur d'Alene Tribe

 3/23/16
Howard Funke, Attorney Date

RESPONDENT

State of Idaho

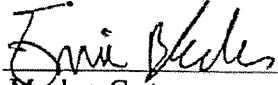
 3/23/16
Steven Strack Date
Deputy Attorney General

RESPONDENTS

North Idaho Water Rights Alliance

 3-24-16
Norman Semanko, Attorney Date

IDWR Concurrence:

	
Carter Fritschle	Meghan Carter
Manager, Adjudication Section	Deputy Attorney General
	Attorney for IDWR
3-23-16	3/23/16
Date	Date

12/30/2015

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

RIGHT NUMBER: 92-10342
NAME AND ADDRESS: MARY KILWEIN
1605 EAST F ST
MOSCOW ID 83843
KEVIN KILWEIN
1605 EAST F ST
MOSCOW ID 83843

SOURCE: ALDER CREEK
QUANTITY: 0.090 CFS
9.00 AFY
PRIORITY DATE: 12/31/1952
POINT OF
DIVERSION: T45N R03W S36 NWNW Within BENEWAH County
PURPOSE AND
PERIOD OF USE:

TRIBUTARY: ST MARIES RIVER

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 10/31	0.090 CFS 9.00 AFY

PLACE OF USE: IRRIGATION in BENEWAH County
T45N R03W S36 NWNW 3.00
3 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Nos. RP000300120270A, RP00030012026AA and RP00030013026BA

CT
EP
AF
SS
NMS

CERTIFICATE OF SERVICE

I hereby certify that on this 25TH day of March, 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

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

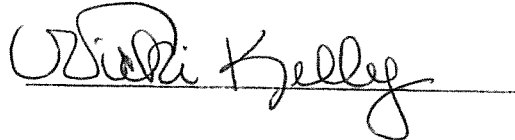
North Idaho Water Rights Alliance	☐ Overnight Mail
Represented by:	☒ Regular Mail
Norman M Semanko	☐ Hand-Delivered
101 S Capitol Blvd 10th Fl	☐ Facsimile
P.O. Box 829	
Boise, ID 83701-0829	

Kevin Kilwein	☐ Overnight Mail
Mary Kilwein	☒ Regular Mail
Represented by:	☐ Hand-Delivered
Norman M Semanko	☐ Facsimile
101 S Capitol Blvd 10th Fl	
P.O. Box 829	
Boise, ID 83701-0829	

State of Idaho
Represented by:
Chief Natural Resources Div
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

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

Signature of person delivering this
document

A handwritten signature in cursive script, appearing to read "Heidi Kelley", is written over a horizontal line.