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DEPARTMENT OF
WATER RESOURCES

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: 91-4113
)
)

) 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.

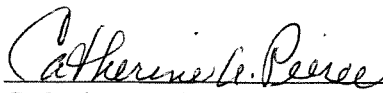
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

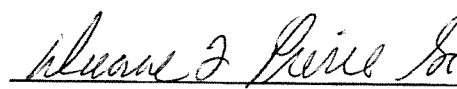
CLAIMANT:

Catherine A. Pierce

CLAIMANT:

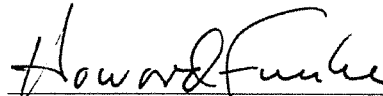
Duane L. Pierce, Sr.


Catherine A. Pierce, Pro Se
4/2/16
Date

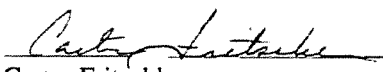

Duane L. Pierce, Sr., Pro Se
4/2/16
Date

OBJECTOR:

Coeur d'Alene Tribe

 3/21/16
Howard Funke, Attorney Date

IDWR Concurrence:

 3-21-16
Carter Fritschle Date
Manager, Adjudication Section

 3/21/16
Meghan Carter Date
Deputy Attorney General
Attorney for IDWR

01/21/2016

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

RIGHT NUMBER: 91-4113

NAME AND ADDRESS: CATHERINE A PIERCE
65 GRANDMAS WAY
ST MARIES ID 83861

DUANE L PIERCE SR
65 GRANDMAS WAY
ST MARIES ID 83861

SOURCE: ST JOE RIVER

TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.062 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/01/1967

POINT OF

DIVERSION: T46N R02W S8 NESW Within BENEWAH County

This water right does not grant a right of way or easement upon the submerged lands owned in trust for the benefit of the Coeur d'Alene Tribe. Access to this point of diversion is conditioned upon the water user securing continued authorization from the Coeur d'Alene Tribe. The Coeur d'Alene Tribe is solely responsible for enforcement of any restrictions involving access to the point of diversion.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	06/01 09/30	0.020 CFS
STOCKWATER	01/01 12/31	0.002 CFS

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION in BENEWAH County

T46N R02W S08 Lot 1 NESW 3.40

STOCKWATER in BENEWAH County

T46N R02W S08 Lot 1 NESW

DOMESTIC in BENEWAH County

T46N R02W S08 Lot 1 NESW

3.4 ACRES TOTAL

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

The quantity of water decreed for this water right for domestic use and stockwater use 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 - Beneficial Use

Parcel No. RP46N02W085000A

CERTIFICATE OF SERVICE

I hereby certify that on this 28TH day of APRIL, 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
Coeur d'Alene-Spokane River Basin Adj.
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

IDWR Document Depository
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

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

Coeur d'Alene Tribe
Represented by:
Howard A. Funke
424 Sherman Ave., Ste. 308
P.O. Box 969
Coeur d'Alene, ID 83816-0969

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

Catherine A. Pierce
Duane L. Pierce Sr.
65 Grandmas Way
St. Maries, ID 83861

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

Signature of person delivering this
document

Stacy-Delaney