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MAY 05 2016

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: 92-10622

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.

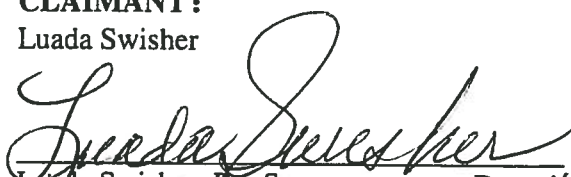
CLAIMANT:

Robert Swisher

  
Robert Swisher, Pro Se Date 4-14-16

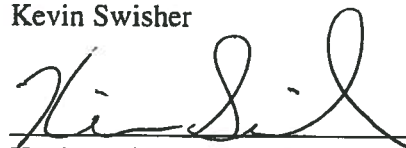
CLAIMANT:

Luada Swisher

  
Luada Swisher, Pro Se Date 4-11-16

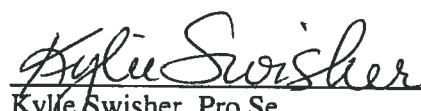
CLAIMANT:

Kevin Swisher

  
Kevin Swisher, Pro Se Date

CLAIMANT:

Kylie Swisher

  
Kylie Swisher, Pro Se Date 4-14-16

**OBJECTOR:**

Coeur d'Alene Tribe

Howard Funke 5/2/16  
Howard Funke, Attorney Date

**IDWR Concurrence:**

Carter Fritschle 4-4-16  
Carter Fritschle Date  
Manager, Adjudication Section

Meghan Carter 4/4/14  
Meghan Carter Date  
Deputy Attorney General  
Attorney for IDWR

04/01/2016

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

RIGHT NUMBER: 92-10622

NAME AND ADDRESS: ROBERT SWISHER  
2614 RD 76  
PASCO WA 99301

LUADA SWISHER  
2614 RD 76  
PASCO WA 99301

KEVIN SWISHER  
2614 RD 76  
PASCO WA 99301

KYLIE SWISHER  
2614 RD 76  
PASCO WA 99301

SOURCE: UNNAMED STREAM

TRIBUTARY: HAPPY CREEK

QUANTITY: ~~6.040~~ 0.020 CFS

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

PRIORITY DATE: ~~12/31/1921~~ 12/31/1928

POINT OF

DIVERSION:

T45N R03W S23 NESW Begin of Stream Flow Within BENEWAH County  
T45N R03W S23 NESW End of Stream Flow Within BENEWAH County  
T45N R03W S23 NESE Begin of Stream Flow Within BENEWAH County  
T45N R03W S23 SESE End of Stream Flow Within BENEWAH County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER in BENEWAH County

T45N R03W S23

NESW

T45N R03W S23

NESE

T45N R03W S23

SESE

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 - Beneficial Use

Parcel No. RP45N03W234800A

### CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>RD</sup> day of MAY, 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

Kevin Swisher  
Kylie Swisher  
Luada Swisher  
Robert Swisher  
2614 Rd 76  
Pasco, WA 99301

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

Signature of person delivering this document

Scobey-Denney