



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 17, 2016

Sherry A. Moore
Alan M. Moore
2368 St. Maries Avenue
Saint Maries, ID 83861

RE: CSRBA Subcase No. 92-10093

Dear Mr. and Mrs. Moore:

Please find enclosed a Standard Form 5 ("SF5") for the above-referenced water right which reflects the changes/modifications as discussed at this morning's Status Conference with the Coeur d'Alene-Spokane River Basin Adjudication Court. As mentioned at the Status Conference, once signed by all and filed with the Court, this SF5 both settles the Tribe's objections as to priority and quantity and amends your claim for the earlier priority date and better reflects the historic stock use associated with the right. Also as discussed at the Status Conference, because this SF5 settles the objections and simultaneously seeks to amend your claim, the Court will put it on its docket sheet. If uncontested after the objection period, the right can move to partial decree.

Please review the document, and if it is acceptable, sign on the indicated signature lines, initial the revised recommendations and **RETURN THE ORIGINAL DOCUMENT TO ME** in the enclosed self-addressed, stamped envelope. I then will obtain the remaining signatures and file the document with the CSRBA Court. If the Court receives the fully signed SF5 before the date set for the next hearing (Dec. 21, 2016), it will likely vacate that telephonic status conference.

If you should have any questions regarding the attached recommendations, please do not hesitate to contact Chad Goodwin, Water Rights Supervisor, at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzy", written over a horizontal line.

SUZANNE M. COOLEY-DENNEY, Paralegal
Office of the Attorney General
Idaho Department of Water Resources

cc: Kinzo Mihara, Attorney at Law
Steven Strack, Deputy Attorney General

Enclosures

**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: 92-10093
	)	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.

CLAIMANT:
Sherry Moore

CLAIMANT:
Alan Moore

Sherry Moore Date
Pro Se

Alan Moore Date
Pro Se

OBJECTOR:
Coeur d'Alene Tribe

RESPONDENT:
State of Idaho

Howard Funke, Attorney Date

Steven Strack Date
Deputy Attorney General

IDWR Concurrence:

Carter Fritschle Manager, Adjudication Section	Date
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Andrea Courtney Deputy Attorney General Attorney for IDWR	Date
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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 92-10093

NAME AND ADDRESS: SHERRY A MOORE
2368 ST MARIES AVE
SAINT MARIES ID 83861

ALAN M MOORE
2368 ST MARIES AVE
SAINT MARIES ID 83861

SOURCE: UNNAMED STREAM

TRIBUTARY: CHERRY CREEK

QUANTITY: 0.020 CFS
0.50 AFY

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

PRIORITY DATE: ~~12/31/1922~~ 12/31/1918

POINT OF

DIVERSION: T46N R02W S21 SWNE Begin of Stream Flow Within BENEWAH County
T46N R02W S21 SWNE End of Stream Flow Within BENEWAH County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS <u>0.50 AFY</u>

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

PLACE OF USE: STOCKWATER in BENEWAH County

T46N R02W S21 SWNE

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

Stockwater use is for 15 horses.

Parcel No. RP46N02W215308A

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 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
PO Box 969	
Coeur d’Alene, ID 83816-0969	

Alan M Moore	☐ Overnight Mail
Sherry A Moore	☐ Regular Mail
2368 St Maries Ave	☐ Hand-Delivered
St Maries, ID 83861	☐ Facsimile

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