

**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: 91-7113

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:

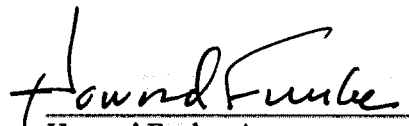
Joel Malensky
Nancy Malensky

OBJECTOR:

Coeur d'Alene Tribe

 1-19-17

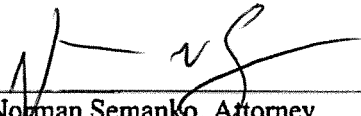
Norman Semanko, Attorney Date

 1/16/17

Howard Funke, Attorney Date

RESPONDENT:

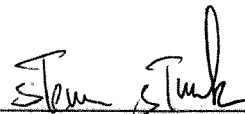
North Idaho Water Rights Alliance



Norman Semanko, Attorney Date

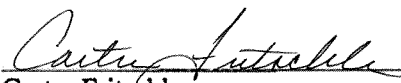
RESPONDENT:

State of Idaho

 1-26-2017

Steven Strack Date
Deputy Attorney General

IDWR Concurrence:

 1-23-17

Carter Fritschle Date
Manager, Adjudication Section

 1/26/17

Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

11/16/2016

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

RIGHT NUMBER: 91-7113

NAME AND ADDRESS: JOEL MALENSKY
2252 COTTONWOOD DR
ST MARIES ID 83861

NANCY MALENSKY
2252 COTTONWOOD DR
ST MARIES ID 83861

SOURCE: ST JOE RIVER

TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.040 CFS
3.00 AFY

PRIORITY DATE: 09/19/1990

POINT OF
DIVERSION: T46N R02W S17 SWNE Lot 5 Within BENEWAH County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.030 CFS

3.00 AFY

PLACE OF USE: IRRIGATION in BENEWAH County

T46N R02W S17 Lot 5 SWNE 1.00

1 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 - License

Parcel No. RP00100020042BA

ATC

NMS
LF
SWS
CA

CERTIFICATE OF SERVICE 7

I hereby certify that on this 31st day of January, 2018, I caused to be served a copy of the Standard Form 5 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

North Idaho Water Rights Alliance
Represented by:
Norman M. Semanko
101 S. Capitol Blvd. 10th Fl.
P.O. Box 829
Boise, ID 83701-0829

☐ 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

Joel Malensky
Nancy Malensky
Represented by:
Norman M. Semanko
101 S. Capitol Blvd. 10th Fl.
P.O. Box 829
Boise, ID 83701-0829

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

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

John Harris

SF 5 – Water Right No. 91-7113
Amended 7/24/2013