

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: 91-7228
	)	
	)	STANDARD FORM 5
Case No. 49576	)	
	)	STIPULATED ELEMENTS OF A WATER
	)	RIGHT
	)	
	)	☐ AMENDED NOTICE OF CLAIM /
	)	DIRECTOR'S REPORT

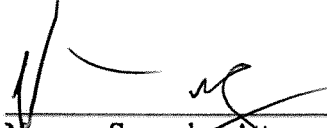
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert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

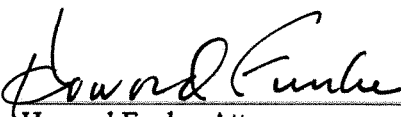
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

CLAIMANT:
Shawn M. Fly

OBJECTOR:
Coeur d'Alene Tribe



Norman Semanko, Attorney 1-19-17 Date



Howard Funke, Attorney 1/6/17 Date

RESPONDENT:

State of Idaho

Steven Strack 1-20-2017
Steven Strack Date
Deputy Attorney General

IDWR Concurrence:

Carter Fritschle 1-23-17
Carter Fritschle Date
Manager, Adjudication Section

Andrea L. Courtney 1/26/17
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

12/06/2016

IDARO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 91-7228
NAME AND ADDRESS: SHAWN M FLY
32086 S HELLS GULCH RD
SAINT MARIES ID 83861
SOURCE: UNNAMED STREAM TRIBUTARY, ST JOE RIVER
QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: ~~11/12/1912~~ 12/31/1918
POINT OF DIVERSION:

T47N R02W S30 T3WNE Begin of Stream Flow Within KOOTENAI County
T47N R02W S30 NENW Begin of Stream Flow Within KOOTENAI County
T47N R02W S30 SWNW Lot 2 End of Stream Flow Within KOOTENAI County
T47N R02W S30 NESW End of Stream Flow Within KOOTENAI County
T47N R02W S30 NWSW Lot 3 End of Stream Flow Within KOOTENAI County
T47N R02W S30 NWSW Lot 3 End of Stream Flow Within KOOTENAI County
T47N R02W S30 SWSW Lot 4 End of Stream Flow Within KOOTENAI County
T47N R02W S30 NESE Begin of Stream Flow Within KOOTENAI County
T47N R02W S30 SWSE Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 NENW Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 NWNW Lot 1 Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 SWNW Lot 2 Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 SWNW Lot 2 End of Stream Flow Within KOOTENAI County
T47N R02W S31 SENW Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 NESW Begin of Stream Flow Within KOOTENAI County
T47N R02W S31 NWSW Lot 3 End of Stream Flow Within KOOTENAI County
T47N R02W S31 SWSW Lot 4 End of Stream Flow Within KOOTENAI County
T47N R03W S25 SENE Begin of Stream Flow Within KOOTENAI County
T47N R03W S25 SENE End of Stream Flow Within KOOTENAI County
T47N R03W S25 NESE End of Stream Flow Within KOOTENAI County
T47N R03W S25 NESE Begin of Stream Flow Within KOOTENAI County
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T47N R03W S36 NENE Begin of Stream Flow Within KOOTENAI County
T47N R03W S36 NENE End of Stream Flow Within KOOTENAI County
T47N R03W S36 NENE End of Stream Flow Within KOOTENAI 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.		

NMS
R/F
SWS
CF

ATL

12/06/2016

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

~~Benewah County, ID~~
PLACE OF USE: STOCKWATER in KOOTENAI County

T47N R02W S30	NWNE	T47N R02W S30	NENW
T47N R02W S30 Lot 1 NRRW		T47N R02W S30 Lot 2 SRRW	
T47N R02W S30	SENE	T47N R02W S30	NESW
T47N R02W S30 Lot 3 NWSW		T47N R02W S30 Lot 4 SWSW	
T47N R02W S30	SESE	T47N R02W S30	NESE
T47N R02W S30	NWSE	T47N R02W S30	SWSE
T47N R02W S31	NENW	T47N R02W S31 Lot 1 NRRW	
T47N R02W S31 Lot 2 SRRW		T47N R02W S31	SENE
T47N R02W S31	NESW	T47N R02W S31 Lot 3 NWSW	
T47N R02W S31 Lot 4 SWSW		T47N R03W S25	SENE
T47N R03W S25	NESE	T47N R03W S25	SWSE
T47N R03W S25	SESE	T47N R03W S35	NENE

NMS
HF
ATC
SWS
ct

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Nos. 47N02W-30-1600, 47N02W-30-4600, 47N02W-30-6300, 47N02W-31-4400, 47N03W-36-0400, 47N03W-25-9100, 47N03W-25-8600, and 47N03W-25-7300.

CERTIFICATE OF SERVICE

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

Shawn M. Fly
Represented by:
Norman M Semanko
101 S Capitol Blvd 10th Fl
PO 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

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

Tori Harris