

**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

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SUBCASE: 91-7823

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.

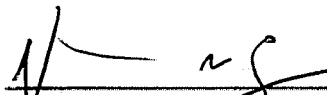
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

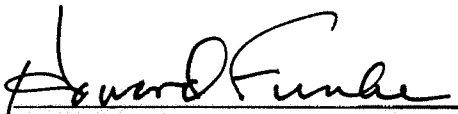
CLAIMANT:

The Ralph A. and Martha J. Banderob
Revocable Living Trust

OBJECTOR:

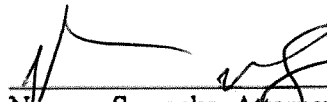
Coeur d'Alene Tribe

 1-19-17
Norman Semanko, Attorney Date

 1/16/17
Howard Funke, Attorney Date

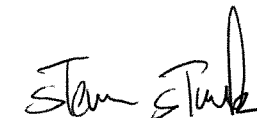
RESPONDENT:

North Idaho Water Rights Alliance

 1-19-17
Norman Semanko, Attorney Date

RESPONDENT:

State of Idaho

 1-20-2017
Steven Strack Date
Deputy Attorney General

IDWR Concurrence:

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

 1/20/17
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

12/06/2016

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

RIGHT NUMBER: 91-7823

NAME AND ADDRESS: THE RALPH A & MARTHA J BANDEROB REVOCABLE LIVING TRUST
8831 HELLS GULCH RD
ST MARIES ID 83861

SOURCE: UNNAMED STREAM TRIBUTARY: HELLS GULCH CREEK

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~98/13/1918~~ 12/31/1923

POINT OF DIVERSION:
T47N R02W S33 SWSE Begin of Stream Flow Within BENEWAH County
T47N R02W S33 SWSE 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
T47N R02W S33 SWSE

NMS
AF
NMS
SWS
CA

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. RP47N02W33060AA
Stockwater use is for 40 head of cattle.

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

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

State of Idaho
Represented by:
Chief Natural Resources Div.
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ 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

The Ralph A. and Martha J. Banderob
Revocable Living Trust
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

Signature of person delivering this
document

Jeri Harris

SF 5 – Water Right No. 91-7823
Amended 7/24/2013