

**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: 92-7221**
) **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.

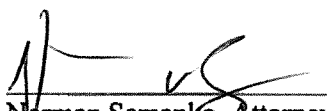
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

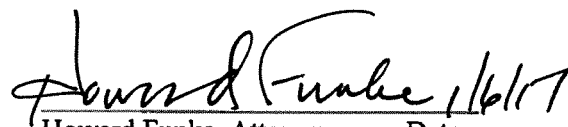
CLAIMANT:

Gordon Rathbun
Ruth Rathbun

OBJECTOR:

Coeur d'Alene Tribe

 1-19-17
Norman Semanko, Attorney Date

 1/16/17
Howard Funke, Attorney Date

RESPONDENT:

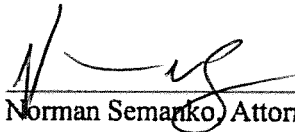
State of Idaho

 1-20-2017

Steven Strack Date
Deputy Attorney General

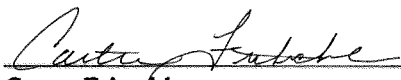
RESPONDENT:

North Idaho Water Rights Alliance

 1-17-17

Norman Semanko, Attorney Date

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: 92-7221
NAME AND ADDRESS: GORDON G RATHBUN
PO BOX 727
SAINT MARIES ID 83861

RUTH B RATHBUN
PO BOX 727
SAINT MARIES ID 83861

SOURCE: ST JOE RIVER TRIBUTARY: COEUR D ALENE LAKE
QUANTITY: 0.030 CFS
1.20 AFY

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

PRIORITY DATE: 01/23/1996
POINT OF DIVERSION: T46N R02W S16 SWSE 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
	DOMESTIC	1 /1 12/31	0.030 CFS 1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC in BENEWAH County
T46N R02W S16 Lot 8 SWSE

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. RP004500200810A

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2013, 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

Coeur d'Alene Tribe
Represented by:
Howard A. Funke
424 Sherman Ave Ste 308
PO Box 969
Coeur d'Alene, ID 83816-0969

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

North Idaho Water Rights Alliance
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

Gordon Rathbun
Ruth Rathbun
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

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

Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person delivering this
document

Teri Harris

SF 5 – Water Right No. 92-7221
Amended 7/24/2013