

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: 92-7226
) 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:

Eleanor Buell
Jack Buell

OBJECTOR:

Coeur d'Alene Tribe

Marianna K. Dunham 1/17/17
For Nancy Wolff, Co-Counsel Date

Howard Funke 1/16/17
Howard Funke, Attorney Date

Norman Semanko 1-19-17
Norman Semanko, Co-Counsel Date

RESPONDENT:

State of Idaho

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

RESPONDENT:

North Idaho Water Rights Alliance

Norman Semanko 1-19-17
Norman Semanko, Attorney Date

IDWR Concurrence:

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

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

12/28/2016

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

RIGHT NUMBER: 92-7226

NAME AND ADDRESS: ELEANOR L BUELL
318 HIGHLAND DR
ST MARIES ID 83861

JACK A BUELL
318 HIGHLAND DR
ST MARIES ID 83861

SOURCE: ST JOE RIVER

TRIBUTARY: COEUR D ALENE LAKE

QUANTITY: 0.040 CFS
9.900 AFY

PRIORITY DATE: 08/20/1996

POINT OF DIVERSION:

T46N R02W S16 NESW Lot 4 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
IRRIGATION

PERIOD OF USE
3 /15 11/15

QUANTITY
0.040 CFS
9.90 AFY

PLACE OF USE: IRRIGATION in BENEWAH County

T46N R02W S16 Lot 4 NESW 3.30

3.3 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 Nos. RP004500200681A, RP004500200700A, RP004500200710A
and RP004500200720A

AZ
NMS
E/F
MKD
NMS
SWS
CR

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

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

Eleanor L Buell
Jack A Buell
Represented by:
Nancy Wolff, Co-Counsel
722 Main Avenue
St. Maries, ID 83861

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

and

Norman M Semanko, Co-Counsel
101 S Capitol Blvd 10th Fl
PO Box 829
Boise, ID 83701-0829

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

Jodi Harris