

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: 92-10134
) 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.

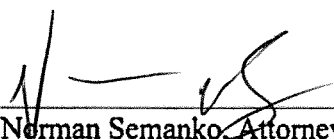
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

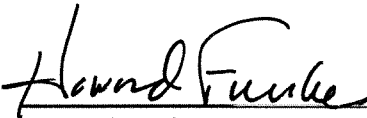
CLAIMANT:

Don Yearout
Lorrie Yearout

OBJECTOR:

Coeur d'Alene Tribe

 1-19-17
Norman Semanko, Attorney Date

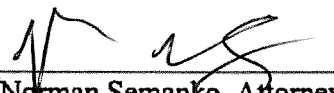
 1/6/17
Howard Funke, Attorney Date

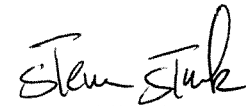
RESPONDENT

North Idaho Water Rights Alliance

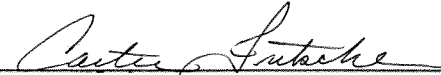
RESPONDENT

State of Idaho

 1-19-17
Norman Semanko, Attorney Date

 1-20-2017
Steven Strack Date
Deputy Attorney General

IDWR Concurrence:


Carter Fritschle
Manager, Adjudication Section

1-23-17
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

1/26/17
Date

12/28/2016

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

RIGHT NUMBER: 92-10134

NAME AND ADDRESS: DON YEAROUT
300 RAGAN DR
SAINT MARIES ID 83861

LORRIE YEAROUT
300 RAGAN DR
SAINT MARIES ID 83861

SOURCE: ALDER CREEK
NORTH FORK ALDER CREEK

TRIBUTARY: ST MARIES RIVER
TRIBUTARY: ALDER CREEK

QUANTITY: 0.020 CFS
0.800 AFY

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

PRIORITY DATE: 12/09/1916

POINT OF DIVERSION:

T44N R03W S4 SWNE Begin of Stream Flow Within BENEWAH County
T44N R03W S4 SWNE Begin of Stream Flow Within BENEWAH County
T44N R03W S4 SWNE End of Stream Flow Within BENEWAH County
T44N R03W S4 NWSE End of Stream Flow Within BENEWAH County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
		<u>0.80 AFY</u>

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE: STOCKWATER in BENEWAH County

T44N R03W S04	SWNE	T44N R03W S04	NWSE
---------------	------	---------------	------

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 - Beneficial Use

Stockwater use is for 50 head of mixed stock.

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

Parcel No. RP44N03W041001A

NWS
JF
NWS
SWS
CF

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2017, 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

Don Yearout
Lorrie Yearout
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

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

Signature of person delivering this
document

Lori Harris