

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: 92-10378

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.

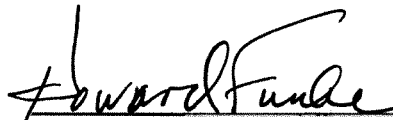
**CLAIMANT:**

Brian Davis

**OBJECTOR:**

Coeur d'Alene Tribe

  
Norman Semanko, Attorney Date 1-19-17

  
Howard Funke, Attorney Date 1/6/17

**RESPONDENT**

State of Idaho

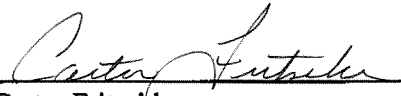
**RESPONDENT**

North Idaho Water Rights Alliance

  
Steven Strack Date 1-20-2017  
Deputy Attorney General

  
Norman Semanko, Attorney Date 1-19-17

**IDWR Concurrence:**

 1-23-17  
Carter Fritschle  
Manager, Adjudication Section

Date

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

Date

12/07/2016

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

RIGHT NUMBER: 92-10378  
NAME AND ADDRESS: BRIAN DAVIS  
16604 HWY 5  
SAINT MARIES ID 83861  
SOURCE: CHERRY CREEK TRIBUTARY: ST JOE RIVER  
QUANTITY: 0.010 CFS  
0.200 AFY  
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1972

POINT OF DIVERSION:

T46N R02W S20 NESE Begin of Stream Flow Within BENEWAH County  
T46N R02W S20 NESE 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          | 0.010 CFS       |
|                       |                      | <u>0.20 AFY</u> |

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

PLACE OF USE: STOCKWATER in BENEWAH County  
T46N R02W S20 NESE

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. RP00080010005BA

Stockwater use is for 10 cattle.

### CERTIFICATE OF SERVICE

I hereby certify that on this 31<sup>st</sup> 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

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

Brian Davis  
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

*Zoli Harris*