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FEB 23 2017

DEPT. OF WATER RESOURCES

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: 94-02081

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 per the attached. The parties and IDWR have further indicated their concurrence by initializing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT:

Mary M. Nemeth 1/28/2017  
Mary M Nemeth Date  
Peter Nemeth  
Peter Nemeth Date

OBJECTOR:

United States on behalf of the  
USDA Forest Service

David L. Negri 2/21/17  
David L. Negri Date

IDWR CONCURRENCE:

Carter Fritschle 2-21-17  
Carter Fritschle Date

Andrea L. Courtney 2-21-17  
Andrea L. Courtney Date

10/11/2016

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

RIGHT NUMBER: 94-2081

NAME AND ADDRESS: MARY M NEMETH  
2800 ST JOE RIVER RD  
ST MARIES ID 83861-9136

PETER NEMETH  
2800 ST JOE RIVER RD  
ST MARIES ID 83861-9136

*Handwritten initials: MN, PN, DV*

SOURCE: UNNAMED STREAM

TRIBUTARY: GRANITE GULCH CREEK

QUANTITY: 2.500 CFS

PRIORITY DATE: 08/28/1913

POINT OF

DIVERSION: T49N R05E S27 NENW Within SHOSHONE County

The point of diversion for this water right is in Mineral Survey No. 3004.

*Handwritten initials: CA*

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                         | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------------------------|----------------------|-----------------|
| INDUSTRIAL                                    | 01/01 12/31          | 2.500 CFS       |
| Industrial use is for mining and milling ore. |                      |                 |

PLACE OF USE: INDUSTRIAL in SHOSHONE County

T49N R05E S22 NESE

The place of use for this water right is in Mineral Survey No. 3204.

*Handwritten initials: AJC*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The remainder of this right was not claimed in the Coeur d'Alene-Spokane River Basin Adjudication.

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.

The point of diversion and/or place of use do not include federal land.

Property is also known as Mineral Survey Nos. 3004 and 3204.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

## CERTIFICATE OF MAILING

I certify that on February 22, 2017, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Coeur d'Alene-Spokane River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

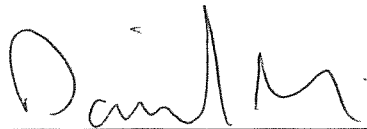
2. Copy to:

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resources Division  
550 W. Fort Street, MSC 033  
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Mary M Nemeth  
Peter Nemetth  
2800 St Joe River RD  
St. Maries, ID 83861-9136



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