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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: 94-08050

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:

Paul G. Smith 3/21/2017
Paul G Smith Date

Ellen Scriven 3/21/17
Ellen Scriven Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 3/29/17
David L. Negri Date

IDWR CONCURRENCE:

Carter Fritschle 3-28-17
Carter Fritschle Date
Manager, Adjudication Section

Andrea Courtney 3/29/17
Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

03/13/2017

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

RIGHT NUMBER: 94-8050

NAME AND ADDRESS: PAUL G SMITH
16114 E KILLARNEY LAKE RD
CATALDO ID 83810

ELLEN SCRIVEN
16114 E KILLARNEY LAKE RD
CATALDO ID 83810

es
P.G.S.

SOURCE: SPRING
SPRING

TRIBUTARY: ~~UNNAMED STREAM~~
TRIBUTARY: ~~UNNAMED STREAM~~ KILLARNEY LAKE

QUANTITY: 0.100 CFS

The quantity of water under Right Nos. 94-8050 and 94-8051 for domestic and stock water usage shall not exceed 13,000 gallons per day.

ct

PRIORITY DATE: 07/24/1965

POINT OF
DIVERSION: T48N R02W S3 NWSW Within KOOTENAI County
T48N R02W S4 NESE Within KOOTENAI County
T48N R02W S4 NESE Within KOOTENAI County

AZC
PN

The points of diversion are located in Homestead Entry Survey No. 680.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/15 10/31	0.040 CFS
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 1 worker cabin.

PLACE OF USE: IRRIGATION in KOOTENAI County

T48N R02W S03 NWSW 4.80 T48N R02W S04 NESE 2.70

STOCKWATER in KOOTENAI County

T48N R02W S03 NWSW

DOMESTIC in KOOTENAI County

T48N R02W S04 NESE

7.5 ACRES TOTAL

The places of use are located in Homestead Entry Survey No. 680.

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.

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

The points of diversion and places of use do not include any federal land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Nos. 48N02W035800 and 48N02W047300

Stockwater use is for 50 head mixed stock.

B-G.S.

~~ls~~

ct

AYC

AN

CERTIFICATE OF MAILING

I certify that on March 29, 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

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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):

Paul G Smith
Ellen Scriven
16114 E Killarney Lake RD
Cataldo, ID 83810



David L. Negri