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MAY 18 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: 94-07303

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:

Louise P. Smith 5-12-17
Louise P Smith Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 5/16/17
David L. Negri Date

IDWR CONCURRENCE:

Carter Fritschle 5/16/17
Carter Fritschle Date
Manager, Adjudication Section

Andrea Courtney 5/16/17
Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

05/05/2017

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

RIGHT NUMBER: 94-7303

NAME AND ADDRESS: LOUISE P SMITH
PO BOX 449
OSBURN ID 83849

LS

SOURCE: UNNAMED STREAM

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.040 CFS
1.20 AFY

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

PRIORITY DATE: 06/05/1987

POINT OF

DIVERSION: T49N R04E S10 SENE Lot 6 Within SHOSHONE County

This right does not grant any right-of-way or easement across the land of another.

CT

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

Domestic use is for 1 home.

ALL

DN

PLACE OF USE: DOMESTIC in SHOSHONE County

T49N R04E S10 SENE

The place of use is located in Mineral Survey No. 2796.

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

~~This right does not grant any right-of-way or easement across the land of another.~~

Parcel No. RP49N04E102007

CERTIFICATE OF MAILING

I certify that on May 17, 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:

Louise P Smith
P.O. Box 449
Osburn, ID 83849



David L. Negri