

**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: 92-10549**

) **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.

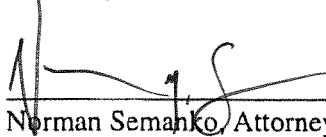
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

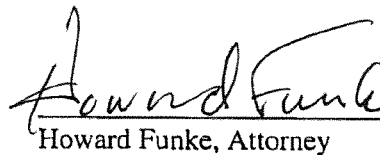
CLAIMANT:

Scott Nelson
Paula Nelson
Steven Nelson
Kimberly Nelson

OBJECTOR:

Coeur d'Alene Tribe

 6-9-17
Norman Semanko, Attorney Date

 6/7/17
Howard Funke, Attorney Date

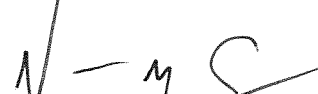
RESPONDENT:

State of Idaho

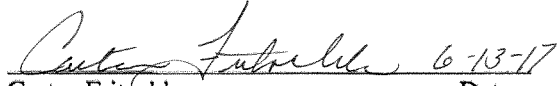
 6-13-2017
Steven Strack Date
Deputy Attorney General

RESPONDENT:

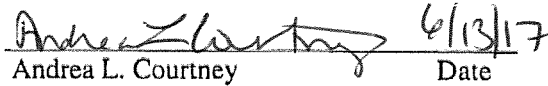
North Idaho Water Rights Alliance

 6-9-17
Norman Semanko, Attorney Date

IDWR Concurrence:


Carter Fritschle
Adjudication Section Manager

Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

Date

04/12/2017

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

RIGHT NUMBER: 92-10549

NAME AND ADDRESS: KIMBERLY A NELSON
2261 CHASE RD
TEKOA WA 99033

SCOTT M NELSON
2261 CHASE RD
TEKOA WA 99033

PAULA A NELSON
2261 CHASE RD
TEKOA WA 99033

STEVEN L NELSON
2261 CHASE RD
TEKOA WA 99033

ALL

SOURCE: UNNAMED STREAM

TRIBUTARY: ALDER CREEK

QUANTITY: 0.020 CFS
0.20 APY

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

PRIORITY DATE: ~~09/30/1912~~ 12/31/1919

POINT OF

DIVERSION: T45N R03W S25 NWNW Begin of Stream Flow Within BENEWAH County
T45N R03W S25 NWNW End of Stream Flow Within BENEWAH County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

0.20 APY

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

PLACE OF USE: STOCKWATER in BENEWAH County

T45N R03W S25 NWNW

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 is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel Nos. RP000300040160A and RP000300040170A

Stockwater use is for 6 head mixed stock.

NMS
AF
NMS
SWS
CT

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2017, I caused to be served a copy of the Standard Form 5 – Amended Notice of Claim / Director's Report 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

Kimberly Nelson
Scott Nelson
Paula Nelson
Steven Nelson
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

Nori Harris