

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: 94-2089

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

☐ AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT

RECEIVED

JUL 11 2017

DEPT. OF WATER RESOURCES

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:

Hecla, Ltd.

Ann Robinson 7/11/17
Hecla, Ltd., Pro Se Date
Property & Contract Coordinator

OBJECTOR:

United States of America
USDA Forest Service

David L. Negri 7/11/17
David L. Negri, Attorney Date

IDWR Concurrence:

Carter Fritschle 7-11-17
Carter Fritschle Date
Manager, Water Rights Adjudication

Andrea L. Courtney 7/11/17
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

07/0112017

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

RIGHT NUMBER: 94-2089

NAME AND ADDRESS: HECLA LTD
6500 N MINERAL DR STE 200
COEUR D ALENE ID 83815-9408

SOURCE: BEAVER CREEK
CARBON CREEK

TRIBUTARY: COEUR D'ALENE RIVER
TRIBUTARY: BEAVER CREEK

QUANTITY: 20.000 CFS

The rate of diversion from Carbon Creek shall not exceed 10.0 cfs.
The rate of diversion from Beaver Creek shall not exceed 10.0 cfs.

The quantity of water under this right for domestic use shall not exceed 2,500 gallons per day.

PRIORITY DATE: 08/02/1918

POINT OF
DIVERSION: T49N R04E S25 NENE Within SHOSHONE County
T49N R04E S25 NESE Within SHOSHONE County

The points of diversion do not include any federal land.

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
MINING	01/01 12/31	20.000 CFS

Water was used under this right for mining (power, milling and concentrating of ore) and domestic purposes at the Ray-Jefferson Mining Co. mill site located at the confluence of Carbon Creek and Beaver Creek. This right is recommended pursuant to Section 42-223(11), Idaho Code.

PLACE OF USE: MINING in SHOSHONE County
T49N R04E S25 Lot 8 NWSE
DOMESTIC same as MINING

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

The quantity of water decreed for this water right for domestic use 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 - License
Parcel No. RP49N04E257800

CERTIFICATE OF SERVICE

I hereby certify that on this 11TH day of JULY, 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

United States of America
Represented by:
US Department of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Hecla, Ltd.
6500 N. Mineral Drive, Suite 200
Coeur d'Alene, ID 83815-9408

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Signature of person delivering this document

S Cooley-Denney