

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: 94-4229

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.

OBJECTOR:

United States of America
Bureau of Land Management

Anna Robinson 7/11/17
Hecla, Ltd., Pro Se Date
Property + Contract Coordinator

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

07/11/2017

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

RIGHT NUMBER: 94-4229

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

SOURCE: GROUND WATER

TRIBUTARY:

The source of this right is ground water from a drilled diamond hole in Hercules No. 5 Tunnel.

QUANTITY: 1.200 CFS

PRIORITY DATE: 01/01/1922

POINT OF
DIVERSION: T48N R05E S4 NWSW Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.200 CFS
MINING	01/01 12/31	1.000 CFS

Water was used under this right for mining and industrial purposes by Tamarack & Custer Consolidated Mining Company. This right is recommended pursuant to Section 42-223(11), Idaho Code.

PLACE OF USE: INDUSTRIAL in SHOSHONE County
T48N R05E S08 SESW
MINING same as INDUSTRIAL

This water right does not include any federal land.

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 - Beneficial Use

Parcel Nos. 48N05E086100, MC0428, MC0505 and MC0541

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

SCooley-Denney