

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: 94-08932

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 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:

Lutherhaven Ministries

Bob Baker 6/20/2017
Bob Baker Date
Executive Director

OBJECTOR:

United States on behalf of the
USDA Forest Service

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

IDWR CONCURRENCE:

Carter Fritschle 7-11-17
Carter Fritschle Date
Manager, Adjudication Section

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

07/12/2017

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

RIGHT NUMBER: 94-8932

NAME AND ADDRESS: LUTHERHAVEN MINISTRIES
3258 W LUTHERHAVEN RD
COEUR D ALENE ID 83814

BB

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS
20.70 AFY

PRIORITY DATE: 09/27/1957

POINT OF
DIVERSION: T50N R04E S5 NWSE Within SHOSHONE County
The point of diversion is located in Tract 37.

CJ

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.140 CFS 20.70 AFY

Commercial use is for a retreat camp.

PLACE OF USE: COMMERCIAL in SHOSHONE County

T50N R04E S05	SWNE	T50N R04E S05	SENE
T50N R04E S05	NESE	T50N R04E S05	NWSE
T50N R04E S05	SWSE	T50N R04E S05	SESE

The place of use is located in Tract 37.

ATL
JN

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 point of diversion and place of use do not include any federal land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. RP50N04E057900.

CERTIFICATE OF MAILING

I certify that on July 12, 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

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:

Lutherhaven Ministries
3258 W Lutherhaven RD
Coeur d'Alene, ID 83814

A handwritten signature in dark ink, appearing to be "D. Smith", is written above a horizontal line.