

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: 94-8776
STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

☒ AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT

RECEIVED

JUL 12 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.

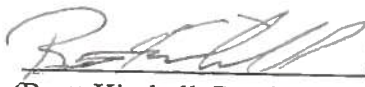
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

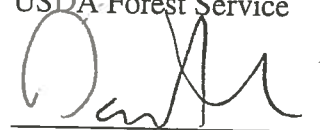
CLAIMANT:

Brett Kimball

OBJECTOR:

United States of America
USDA Forest Service

 7-12-17
Brett Kimball, Pro Se Date

 11/12/17
David L. Negri, Attorney Date

IDWR Concurrence:

 7-12-17
Carter Fritschle Date
Manager, Water Rights Adjudication

 7/12/17
Andrea L. 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: 94-8776
NAME AND ADDRESS: BRETT A KIMBALL
10172 MAPLE ST
HAYDEN LAKE ID 83835
SOURCE: PRICHARD CREEK
GROUND WATER
TRIBUTARY: NORTH FORK COEUR D ALENE
RIVER
TRIBUTARY: SINKS

Ground water diverted under this right originates from the Monarch Mine portal.

QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/09/1916

POINT OF
DIVERSION: T49N R05E S13 NWSW ~~Lot 9~~ Within SHOSHONE County
T49N R05E S13 NWSW Within SHOSHONE County

The points of diversion are located in Mineral Survey No. 1965.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 11/30	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in SHOSHONE County
T49N R05E S13 NWSW T49N R05E S13 ~~Lot 9~~ NWSW
The place of use is located in Mineral Survey No. 1965.

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

The quantity of water decreed for this water right 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Parcel No. RP49N05E135500.

CERTIFICATE OF SERVICE

I hereby certify that on this 12TH 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

Brett A. Kimball
10172 Maple Street
Hayden Lake, ID 83835

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

Signature of person delivering this document

Scowley-Denney