

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: 94-8486  
) 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:**

Oliver Family Trust

Marsha Davis 7-12-17  
Marsha Davis, Pro Se Trustee Date

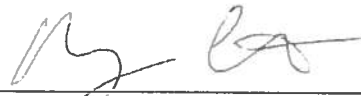
**OBJECTOR:**

United States of America  
USDA Forest Service

David L. Negri 7/12/17  
David L. Negri, Attorney Date

**IDWR Concurrence:**

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

 7/12/17  
Meghan Carter                      Date  
Deputy Attorney General  
Attorney for IDWR

07/12/2017

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

RIGHT NUMBER: 94-8486

NAME AND ADDRESS: A-L-OLIVER  
PO BOX 706  
SAGLE ID 83860

DELIA M-OLIVER  
PO BOX 706  
SAGLE ID 83860

OLIVER FAMILY TRUST  
1583 N GREENSFERRY RD  
POST FALLS ID 83854

SOURCE: BEAVER CREEK  
CLEVELAND GULCH  
WHITE CREEK

TRIBUTARY: COEUR D ALENE RIVER  
TRIBUTARY: BEAVER CREEK  
TRIBUTARY: BEAVER CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1930

POINT OF  
DIVERSION:

T49N R04E S10 NWSW End of Stream Flow Within SHOSHONE County  
T49N R04E S10 NWSW Begin of Stream Flow Within SHOSHONE County  
T49N R04E S15 SWNW End of Stream Flow Within SHOSHONE County  
T49N R04E S15 SWNW Begin of Stream Flow Within SHOSHONE County  
T49N R04E S15 SWNW End of Stream Flow Within SHOSHONE County  
T49N R04E S15 SWNW Begin of Stream Flow Within SHOSHONE County  
The points of diversion are located in Homestead Entry Survey No. 184 and Homestead Entry Survey No. 802.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                                      | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|------------------------------------------------------------|----------------------|-----------------|
| STOCKWATER                                                 | 01/01 12/31          | 0.020 CFS       |
| Stockwater use is for the in-stream watering of livestock. |                      |                 |

PLACE OF USE:

STOCKWATER in SHOSHONE County

|               |      |               |      |
|---------------|------|---------------|------|
| T49N R04E S10 | NWSW | T49N R04E S10 | SWSW |
| T49N R04E S15 | NWNW | T49N R04E S15 | SWNW |

The places of use are located in Homestead Entry Survey No. 184 and Homestead Entry Survey No. 802.

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 points of diversion and places of use do not include any federal land.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP49N04E153200, RP49N04E153100, and RP49N04E105800.

### CERTIFICATE OF SERVICE

I hereby certify that on this 12<sup>TH</sup> 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

Oliver Family Trust  
c/o Marsha Davis  
1583 N. Greensferry Road  
Post Falls, ID 83854

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

Signature of person delivering this document

SCOOLEY-DENNEY