

**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: 94-07400

STANDARD FORM 5

**STIPULATED ELEMENTS OF A WATER
RIGHT**

☐ **AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT**

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:

Delbert L. Kerr 9/15/17
Delbert L. Kerr Date
Betty J. Kerr 9/15/17
Betty J. Kerr Date

OBJECTOR:

United States on behalf of the
USDA Forest Service

David L. Negri 9/7/17
David L. Negri Date

IDWR CONCURRENCE:

Carter Fritschle 9-7-17
Carter Fritschle Date
Manager, Adjudication Section

Andrea Courtney 9/7/17
Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

08/24/2017

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

RIGHT NUMBER: 94-7400

NAME AND ADDRESS: DELBERT L KERR
W 975 HONEYSUCKLE
HAYDEN ID 83835

BETTY J KERR
W 975 HONEYSUCKLE
HAYDEN ID 83835

SOURCE: RYAN CREEK
SPRING

TRIBUTARY: TEEPEE CREEK
TRIBUTARY: TEEPEE CREEK

QUANTITY: 0.040 CFS
1.20 AFY

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

PRIORITY DATE: 10/11/2004

POINT OF
DIVERSION: T52N R02E S19 SESW Within SHOSHONE County
T52N R02E S19 SWSE Within SHOSHONE County

This right does not grant any right-of-way or easement across the land of another.

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 1.20 AFY

Domestic use is for 1 home.

The irrigation occurring under this domestic use shall not exceed 1/2 acre.

PLACE OF USE: DOMESTIC in SHOSHONE County
T52N R02E S19 SESW

Place of use is located in Homestead Entry Survey No. 484 Tract B.

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 - License
Parcel No. RP52N02E196800

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 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

Betty Kerr
Delbert Kerr
W. 975 Honeysuckle
Hayden, ID 83835

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

Signature of person delivering this document

Tori Harris