

**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: 94-8731**
) **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.

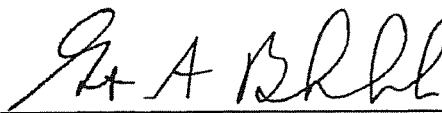
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

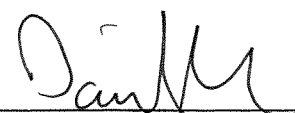
CLAIMANT:

Mine Systems Design, Inc.

OBJECTOR:

United States of America
Bureau of Land Management


Grant A. Brackebusch, Vice President Date 28 Sept 2017
Mine Systems Design, Inc., Pro Se


David L. Negri, Attorney Date 10/4/17

IDWR Concurrence:


Carter Fritschle Date 10-5-17
Manager, Water Rights Adjudication


Andrea L. Courtney Date 10/5/17
Deputy Attorney General
Attorney for IDWR

09/26/2017

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

RIGHT NUMBER: 94-8731
NAME AND ADDRESS: MINE SYSTEMS DESIGN INC
PO BOX 1019
KELLOGG ID 83837
SOURCE: MINERS SLOUGH
TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER
QUANTITY: 0.670 CFS
PRIORITY DATE: 03/26/1943
POINT OF DIVERSION: T48N R03E S3 SESW Within SHOSHONE County
PURPOSE AND PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	MINING	01/01 12/31	0.670 CFS
PLACE OF USE:	MINING in SHOSHONE County		
	T48N R03E S04 SWSE	T48N R03E S04 SESE	
	T48N R03E S09 NENE	~~T48N R03E S09 Lot 1 NENE~~	
	T48N R03E S09 NWNE		

The place of use does not include 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.

This water right is subject to a private agreement between the City of Kellogg and the Bunker Limited Partnership (the predecessor to Mine Systems Design Inc.), recorded in the Shoshone County Recorder's Office on 4/23/1993, as Instrument No. 356737.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Parcel No. RP48N03E049300.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 94-2193.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 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

Mine Systems Design, Inc.
c/o Grant A. Brackebusch, Vice President
PO Box 1019
Kellogg, ID 83837

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

Signature of person delivering this document

Dori Harris