

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 No. 94-04235

) **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:

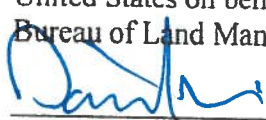
Gold Creek Mines, Inc.


Michael K. Branstetter ISB# 2454
Hull & Branstetter Chartered
Attorney for Claimant

11/15/17
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management


David L. Negri, ISB# 6697
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

11/17/17
Date

IDWR CONCURRENCE:


Carter Fritschle
Adjudication Section Manager

11-20-17
Date

IDWR CONCURRENCE:


Andrea L. Courtney, ISB#7705
Deputy Attorney General, Attorney for IDWR

11/20/17
Date

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

11/01/2017

RIGHT NUMBER: 94-4235
NAME AND ADDRESS: GOLD CREEK MINES
PO BOX 709
WALLACE ID 83673
SOURCE: GOLD CREEK
TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER
QUANTITY: 2.020 CFS
16.00 AFY
The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 01/01/1956
POINT OF DIVERSION: T47N R05E S4 NENE Within SHOSHONE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DIVERSION TO STORAGE	01/01 12/31	2.000 CFS
MINING	01/01 12/31	2.000 CFS
RECREATION STORAGE	01/01 12/31	16.00 AFY
DOMESTIC	01/01 12/31	0.020 CFS

Water was used under this right for mining, milling and power at the Gold Creek Mine and Mill. The mining portion of this right is recommended pursuant to Section 42-223(11), Idaho Code.

Recreation storage is in two stocked fish ponds.

Domestic use is for road side fountain/rest area.

PLACE OF USE: MINING in SHOSHONE County
T48N R05E S33 ~~Let~~ SWSE
DOMESTIC in SHOSHONE County
T48N R05E S33 ~~Let~~ SWSE
RECREATION STORAGE in SHOSHONE County
T48N R05E S33 ~~Let~~ SESW T48N R05E S33 ~~Let~~ SWSE
The place of use does not include federal land.

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

The quantity of water decreed for this water right for domestic use 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CF
MKB PN we

CERTIFICATE OF MAILING

I certify that on November 21, 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, Idaho 83303-2707

2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724-0101

Gold Creek Mines, Inc.
P. O. Box 709
Wallace, Idaho 83873

Michael Branstetter, ISB# 2454
Hull & Branstetter Chartered
P. O. Box 709
Wallace, Idaho 83873

Representing:
Gold Creek Mines, Inc.


MKB



Signature of person or attorney mailing the form