

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: 94-7358
) 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:

North Idaho Mountain Brew


Mark W. Burmeister, Member Date
North Idaho Mountain Brew Ltd. Co.

OBJECTOR:

United States of America
Bureau of Land Management


David L. Negri, Attorney Date

IDWR Concurrence:


Carter Fritschle Date
Manager, Water Rights Adjudication


Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

01/25/2018

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

RIGHT NUMBER: 94-7358

NAME AND ADDRESS: NORTH IDAHO MOUNTAIN BREW
108 NINE MILE RD
PO BOX 947
WALLACE ID 83873

SOURCE: NINEMILE CREEK

TRIBUTARY: SOUTH FORK COEUR D ALENE
RIVER

QUANTITY: 0.060 CFS
3.00 AFY

Right Nos. 94-7339 and 94-7358 are limited to a total combined irrigation
diversion rate of 0.03 cfs and to a total combined annual diversion volume of
3.0 AF.

PRIORITY DATE: 01/13/1995

POINT OF
DIVERSION: T48N R04E S27 SESE Lot 2 Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	0.060 CFS
IRRIGATION	03/15 11/15	0.010 CFS 3.00 AFY

PLACE OF USE: IRRIGATION in SHOSHONE County

T48N R04E S26	NWSW	0.10	T48N R04E S26	SWSW	0.50
T48N R04E S27	SESE	0.10	T48N R04E S27 Lot 2 SESE		0.30

FIRE PROTECTION in SHOSHONE County

T48N R04E S26	NWSW	T48N R04E S26	SWSW
T48N R04E S27	SESE	T48N R04E S27 Lot 2 SESE	

1 ACRES TOTAL

Right Nos. 94-7339 and 94-7358 are limited to the irrigation of a combined
total of 1.0 acre in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Parcel Nos. RPB045000A001A, RPB00000266140 & RPB00000278450.

Right No. 94-7339 is also diverted through point of diversion described
above.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of March, 2018, 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

North Idaho Mountain Brew
108 Nine Mile Road
PO Box 947
Wallace, ID 83873

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

Signature of person delivering this document

Dale Harris