

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. 94-04253

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:

Silver Opportunity Partners LLC

Richard R. Hall
Richard R. Hall, ISB#8080
Stoel Rives LLP
Attorney for Claimant

7/31/18
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

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

7/31/18
Date

IDWR CONCURRENCE:

Carter Fritschle
Carter Fritschle
Adjudication Section Manager

8-7-18
Date

IDWR CONCURRENCE:

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

8/1/18
Date

09/19/2017

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

RIGHT NUMBER: 94-4253
NAME AND ADDRESS: SILVER OPPORTUNITY PARTNERS
2209 BIG CREEK RD
KELLOGG ID 83817
SOURCE: MC FARREN GULCH CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 11/01/1940
POINT OF DIVERSION: T48N R03E S24 NENE Within SHOSHONE County
Point of diversion is located in Mineral Survey No. 3382.

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.200 CFS
MINING	01/01 12/31	0.200 CFS

Water was used under this right for mining and industrial purposes at the Coeur d Alene Mine and Mill site. This right is recommended pursuant to Section 42-223(11), Idaho Code.

PLACE OF USE: INDUSTRIAL in SHOSHONE County
T48N R03E S24 NENE
MINING in SHOSHONE County
T48N R03E S24 NENE
Place of use is located in Mineral Survey No. 3382.

ATN

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 - Beneficial Use

Rev
DN
CF

CERTIFICATE OF MAILING

I certify that on August 9, 2018, 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

Silver Opportunity Partners LLC
c/o Sarah E. Frohlich
2209 Big Creek Road
Kellogg, Idaho 83837-5011

Richard R. Hall
Stoel Rives LLP
101 S. Capitol Boulevard, Ste 1900
Boise, Idaho 83702-7705
Representing: Silver Opportunity Partners LLC



Signature of person or attorney mailing the form