

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

SEP 18 2019

In Re CSRBA

)

SUBCASE: 95-8860

)

STANDARD FORM 5

IDWR/NORTH

Case No. 49576

)

)

STIPULATED ELEMENTS OF A WATER
RIGHT

)

)



AMENDED NOTICE OF CLAIM /
DIRECTOR'S REPORT

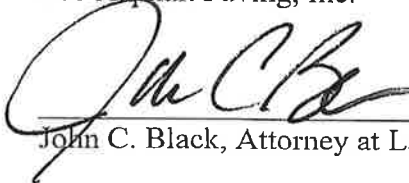
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert 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/OBJECTOR

Poe Asphalt Paving, Inc.

 9/18/19
John C. Black, Attorney at Law Date

IDWR Concurrence:

for  9/18/19
Carter Fritschle Date
Manager, Water Rights Adjudication

 7/18/19
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 95-8860

NAME AND ADDRESS: POE ASPHALT PAVING INC
PO BOX 449
LEWISTON ID 83501-0449

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS
93.40 AFY

PRIORITY DATE: 03/25/1994

POINT OF

DIVERSION: T51N R05W S30 SWSW Lot 4 Within KOOTENAI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.840 CFS

93.40 AFY

Commercial use is for ~~gravel washing~~ a gravel pit.

PLACE OF USE: COMMERCIAL in KOOTENAI County

T51N R05W S30 Lot 4 SWSW

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 No. 95-17450 is also diverted through the point of diversion described above.

The right holder shall accomplish the change authorized by Transfer No. 69648 by 8/15/2003.

Failure of the right holder to comply with the conditions of Transfer No. 69648 is cause for the Director to rescind approval of the transfer.

Point of Diversion Parcel No. 51N05W306200; Place of Use Parcel Nos. 51N05W306200 & 51N05W304700

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

JB
JUB
CLS

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of SEPT, 2019 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.
PO Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

IDWR Document Depository
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

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

Poe Asphalt Paving Inc.
Represented by:
John C. Black
Richard Wetmore
111 N Post Ste 300
Spokane, WA 99201

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

Signature of person delivering this document

S Cooley-Denny