

**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: 95-13899

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.

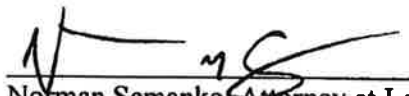
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

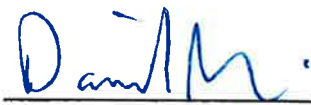
CLAIMANT/OBJECTOR

Marina Yacht Club LLC

OBJECTOR

United States of America
Bureau of Land Management

 10-23-19
Norman Semanko, Attorney at Law Date

 11/7/17
David Negri, Attorney at Law Date
U.S. Department of Justice

IDWR Concurrence:

 11-12-19
Carter Fritschle Date
Manager, Water Rights Adjudication

 11/12/19
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

10/22/2019

RIGHT NUMBER: 95-13899

NAME AND ADDRESS: MARINA YACHT CLUB LLC
C/O HAGADONE HOSPITALITY CO PO BOX 6200
PO BOX 6200
COEUR D'ALENE ID 83816

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS

PRIORITY DATE: 07/31/1951

POINT OF DIVERSION: T50N R04W S14 Lot 5 SWNW Within KOOTENAI County

The point of diversion does not include federal land.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	01/01 12/31	0.100 CFS

Commercial use is for the operation of the Marina Yacht Club LLC.

PLACE OF USE:

COMMERCIAL in KOOTENAI County
T50N R04W S14 Lot 5 SWNW T50N R04W S14 Lot 6 SENW
T50N R04W S14 Lot 1 NESW T50N R04W S14 Lot 1 NWSW

The place of use does not include federal land.

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

This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

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

The right holder shall accomplish the change authorized by Transfer No. 80086 by May 22, 2016.

When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

Failure of the right holder to comply with the conditions of Transfer No. 80086 is cause for the Director to rescind approval of the transfer.

Parcel Nos. C00000143725, C00000145700 and C00000144425

NMS
DN
JS
CLF

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November, 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

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

Marina Yacht Club
Represented by:
Norman Semanko
Parsons Behle & Latimer
800 West Main St Ste 1300
Boise, ID 83702

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

Marina Yacht Club
Represented by:
John Magnuson
1250 N Northwood Center Ct Ste A
Coeur d'Alene, ID 83814

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

Signature of person delivering this document

Jodi Harris