

**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: 95-7016**
) **STANDARD FORM 5**

) **STIPULATED ELEMENTS OF A WATER**
) **RIGHT**

) ☐ **AMENDED NOTICE OF CLAIM /**
) **DIRECTOR'S REPORT**

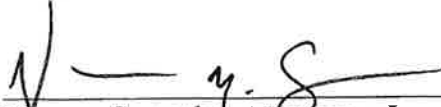
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert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

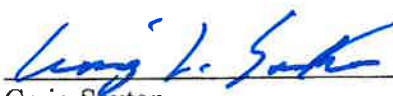
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation,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

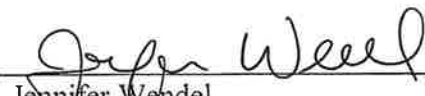
CLAIMANTS/OBJECTORS:

Philip and Leslie Damiano

 10-14-20
Norman Semanko, Attorney at Law Date

IDWR Concurrence:

 10-14-2020
Craig Saxton Date
Manager, Water Rights Adjudication

 10/14/20
Jennifer Wendel Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2020 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

Philip Damiano
Leslie Damiano
Represented by:
Norman Semanko
Parson Behle & Latimer
800 West Main Street Ste 1300
Boise, ID 83702

☐ 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

State of Idaho
Represented by:
Chief Natural Resources Div
Office of the Attorney General
PO Box 83720
Boise, ID 83720-0010

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

Signature of person delivering this document

Teri Harris

05/27/2020

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

RIGHT NUMBER: 95-7016
NAME AND ADDRESS: LESLIE E DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814

PHILIP L DAMIANO
8850 E FERNAN LAKE RD
COEUR D ALENE ID 83814

SOURCE: FERNAN CREEK

TRIBUTARY: FERNAN LAKE

QUANTITY: 0.380 CFS
92.00 AFY

PRIORITY DATE: 05/23/1968

POINT OF DIVERSION: T50N R03W S10 ~~SESW~~ SWSW Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	07/01 10/31	0.380 CFS 92.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before July 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

<u>IRRIGATION in KOOTENAI County</u>									
T50N	R03W	S10	NESW	9.10	T50N	R03W	S10	SWSW	0.50
T50N	R03W	S10	SESW	30.00	T50N	R03W	S10	NWSE	0.20
T50N	R03W	S10	SWSE	3.00					

42.8 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 1976 to 2009.

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

Parcel No. 50N03W109200

A measuring device which will register and record (a) the amount of flow through diversion pipe at any particular time and (b) the amount of water diverted for an entire year shall be permanently maintained.

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

Right includes accomplished change in point of diversion pursuant to Idaho Code § 42-1425.