

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)
) SUBCASE: 95-17513
) STANDARD FORM 5
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
Chris Varela

OBJECTOR
Varela Family Trust


Thomas Budge, Attorney at Law 10/22/20
Date Date

 11/9/2020
Candice McHugh, Attorney at Law

IDWR Concurrence:

 11/12/2020
Craig Saxton Date
Date
Manager, Water Rights Adjudication

 11/16/2020
Jennifer Wendel GARRETT BAXTER
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 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

Chris Varela
Represented by:
Thomas J Budge
201 E Center St
PO Box 1391
Pocatello, ID 83204-1391

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

Varela Family Trust
Represented by:
Candice McHugh
380 S 4th Street Ste 103
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

_____

10/14/2020

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

RIGHT NUMBER: 95-17513
NAME AND ADDRESS: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE ID 83814

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.03 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

~~The rights listed below are limited to a total combined diversion rate of 0.03 cfs. Combined Right Nos: 95-17513, 95-17793~~

PRIORITY DATE: ~~05/21/1981~~ 8/26/1907

POINT OF DIVERSION: T50N R04W S9 SWSW Within KOOTENAI County

Smc C63

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.03 CFS

Domestic use is for 1 home.

Handwritten signature and initials

PLACE OF USE:

DOMESTIC in KOOTENAI County
T50N R04W S09 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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The point of diversion and place of use are located wholly on Parcel No. 50N04W096200.

Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of Transfer No. 84012 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer No. 84012 by June 5, 2021.

The following rights are diverted through point(s) of diversion described above: 95-4706, 95-17513, & 95-17793.