

**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: 95-733**
) **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:

Sylte Ranch LLC

 10/5/2020

Michael Lawrence, Attorney at Law Date

OBJECTOR:

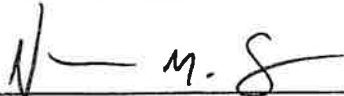
State of Idaho

 10/6/20

Shantel Chapple Knowlton Date
Deputy Attorney General

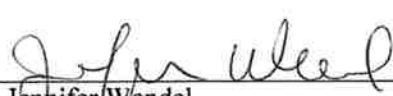
OBJECTOR):

Twin Lakes Improvement Association

 10-14-20

Norman Semanko, Attorney at Law Date

IDWR Concurrence:

	
<u>11/19/2020</u>	<u>11/19/20</u>
Date	Date
Craig Saxton	Jennifer Wendel
Manager, Water Rights Adjudication	Deputy Attorney General
	Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 30th 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

Sylte Ranch LLC
Represented by:
Michael P Lawrence
601 W Bannock St
PO Box 2720
Boise, ID 83701-2720

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

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

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

Twin Lakes Improvement Assn
Represented by:
Norman M Semanko
Parsons Behle & Latimer
800 West Main Street Ste 1300
Boise, ID 83702

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

U.S Department of Justice
Environment and Natural Resources Div.
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Signature of person delivering this
document

Tori Harris

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

09/16/2020

MPL

RIGHT NUMBER: 95-733
NAME AND ADDRESS: SYLTE RANCH LLC LIMITED LIABILITY COMPANY
8626 W SYLTE RANCH RD
RATHDRUM ID 83858-6820

SOURCE: RATHDRUM CREEK

TRIBUTARY: SINKS

QUANTITY: 1.230 CFS
~~14.00 AFY~~

~~The quantity of water under Right Nos. 95-733 and 95-734 for stockwater use shall not exceed 13,000 gallons per day.~~

The quantity of water under Right Nos. 95-733, 95-734, 95-944, and 95-8858 for stockwater use when combined shall not exceed 13,000 gallons per day.

~~The rights listed below are limited to a total combined annual diversion volume of 150.0 AF. Combined Right Nos.: 95-733, 95-7604 and 95-8858~~

Right Nos. 95-733, 95-734, 95-944, and 95-8858 are limited to a total combined annual diversion volume of 4.10 AF for stockwater use.

PRIORITY DATE: 05/01/1950

POINT OF DIVERSION: T52N R04W S30 NWSW Lot 3 Within KOOTENAI County
T52N R04W S30 SWSW Lot 4 Within KOOTENAI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.000 CFS
STOCKWATER	01/01 12/31	0.230 CFS 4.10 AFY ~~14.00 AFY~~

PLACE OF USE:

IRRIGATION in KOOTENAI County
T52N R04W S30 NESW 23.00 T52N R04W S30 Lot 3 NWSW 5.00
T52N R04W S30 Lot 4 SWSW 10.00 T52N R04W S30 SESW 12.00
STOCKWATER in KOOTENAI County
T52N R04W S30 Lot 3 NWSW T52N R04W S30 Lot 4 SWSW

50 ACRES TOTAL

Right Nos. 95-733, 95-944, 95-7604, and 95-8858 are limited to the irrigation of a combined total of 109.9 acres in a single irrigation season.

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

This right is all or part of a water right first decreed in In the Matter of the General Determination of the Rights to the Use of the Surface Waters of Twin Lakes, Including Tributaries and Outlets, Case No. 32572 (1st Jud. Dist. Ct. April 20, 1989). When seepage and evaporation losses from Twin Lakes exceed the total natural tributary inflow to Twin Lakes, no water will be released from the lakes to satisfy this water right and other downstream water rights, with the exception of Water Right No. 95-734. When this occurs, Water Right No. 95-734 and water rights that divert from Twin Lakes and from the tributaries to Twin Lakes may divert the natural flow, but not the stored waters, on the basis of water right priority.

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 - Decreed

Parcel Nos. 52N04W306100 & 52N04W306370

Right Nos. 95-7604, 95-7630, and 95-8858 are also diverted through the point of diversion described above in T52N R04W S30 NWSW Lot 3.

This claim was renumbered from former claim 95-10713.

~~Stockwater use is for 1000 cattle.~~

Stockwater use under rights 95-733, 95-944, 95-7604, and 95-8858 is for a combined 300 head of cattle.

~~The following rights are diverted through point(s) of diversion described above: 95-733, 95-734, 95-7604, 95-7630 and 95-8858.~~

This right is for the appropriation of natural flow in Rathdrum Creek.

Right No. 95-734 is also diverted through the point of diversion described above in T52N R04W S30 SWSW Lot 4.

~~This right originated as all or part of Right No. 95-0733 in the Final Decree, In the Matter of the General Determination of the Rights to the Use of the Surface Waters of Twin Lakes, Including Tributaries and Outlets, Case No. 32572 (1st Jud. Dist. Ct. April 20, 1989).~~

MPL
JPK
NMS
JW
CLS