

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: 95-731
) 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:

Paul Finman

CLAIMANT:

Lorna Finman

 10/27/20
Paul Finman, Pro Se Date

 11/25/20
Lorna Finman, Pro Se Date

OBJECTOR:

State of Idaho

RESPONDENT:

John Sylte/Sylte Ranch LLC

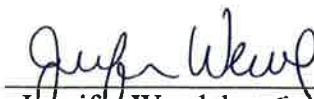
 12/7/20
Shantel Chappel Knowlton Date
Deputy Attorney General

 12/5/2020
Michael Lawrence, Attorney at Law Date

IDWR Concurrence:

 12/7/2020

Date
Craig Saxton
Manager, Water Rights Adjudication

 12/7/2020

Date
Jennifer Wendel
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December, 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

John Sylte
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

Lorna Finman
Paul Finman
764 S Clearwater Loop
Post Falls, ID 83854

☐ 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

Jori Harris

10/05/2020

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

RIGHT NUMBER: 95-734

NAME AND ADDRESS: LORNA FINMAN
164 S CLEARMATER LOOP
PORT FALLS ID 83054

PAUL FINMAN
164 S CLEARMATER LOOP
PORT FALLS ID 83054

SOURCE: BATHURON CREEK

TRIBUTARY: SINKS

QUANTITY: 0.010 CFS
1.40 AFS

The quantity of water under this right shall not exceed 17,000 gallons per day.

PRIORITY DATE: 10/01/1907

POINT OF DIVERSION: T52N R04W S10 NE1/4 Begin of Stream Flow Within KOOTENAI County
T52N R04W S10 NW1/4 End of Stream Flow Within KOOTENAI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/1 12/31	0.010 CFS 1.40 AFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE:

STOCKWATER IN KOOTENAI County		
T52N R04W S10	NW1/4	T52N R04W S10 NW1/4
T52N R04W S10	SE1/4	T52N R04W S10 NW1/4

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 right 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 42-14(2)(b), Idaho Code.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Unrecorded

~~This right originated as all or part of Right No. 95-034 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).~~

Stockwater use is for 100 head livestock.

Parcel Nos. 52R04W19S000 and 52R04W19S0000

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