

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

) SURCASE: 95-7617
) STANDARD FORM 5

) STIPULATED ELEMENTS OF A WATER
) RIGHT

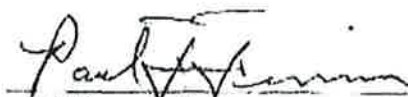
) ☐ AMENDED NOTICE OF CLAIM /
) DIRECTOR'S REPORT

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 initialling each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

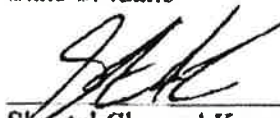
CLAIMANT:
Paul Finman


Paul Finman, Pro Se 10/27/20 Date

CLAIMANT:
Lorna Finman


Lorna Finman, Pro Se 11/13/20 Date

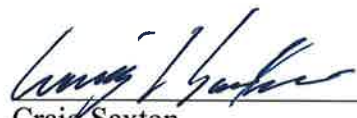
OBJECTOR:
State of Idaho


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

RESPONDENT:
John Sylte/Sylte Ranch LLC

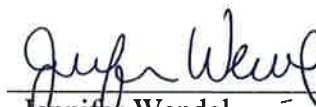

Michael Lawrence, Attorney at Law 12/5/2020 Date

IDWR Concurrence:



Craig Saxton
Manager, Water Rights Adjudication

12/7/2020
Date



Jennifer Wendel
Deputy Attorney General
Attorney for IDWR

12/7/2020

Date

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

Jeri Harris

10/05/2020

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

RIGHT NUMBER: 95-7617

NAME AND ADDRESS: LORNA FINMAN
764 S CLEARWATER LOOP
POST FALLS ID 83854

PAUL FINMAN
764 S CLEARWATER LOOP
POST FALLS ID 83854

SOURCE: RATHBURN CREEK

TRIBUTARY: SINKS

QUANTITY: 1,550 CFS
234.38 AFY

Right Nos. 95-7617, 95-8457 and 95-11768 are limited to a total combined diversion rate of 1.55 cfs and to a total combined annual diversion volume of 234.38 AFY.

PRIORITY DATE: 04/30/1976

POINT OF DIVERSION: T52N R04W S30 NWNE Within KOOTENAI County
T52N R04W S19 NESE Within KOOTENAI County
T52N R04W S19 SESE Within KOOTENAI County
T52N R04W S19 SWSE Within KOOTENAI County
T52N R04W S30 SEWN Within KOOTENAI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 - 12/31	1,550 CFS
IRRIGATION	07/15 - 11/15	1,550 CFS 234.38 AFY

Water shall not be diverted for fire protection use under this right except to right of record an existing fire.

PLACE OF USE:

IRRIGATION in KOOTENAI County

T52N R04W S19 NWSE	9.00	T52N R04W S19 NWSE	71.10
T52N R04W S19 SESE	11.30	T52N R04W S30 NWSE	12.70
T52N R04W S30 SEWN	15.00	T52N R04W S30 SEWN	7.30

FIRE PROTECTION in KOOTENAI County

T52N R04W S19 NESE		T52N R04W S19 SWSE	
T52N R04W S19 SESE		T52N R04W S30 NWSE	
T52N R04W S30 SEWN		T52N R04W S30 SEWN	

TOTAL ACRE TOTAL:

Right Nos. 95-7617, 95-8457 and 95-11768 are limited to the irrigation of a combined total of 78.1 acres in a single irrigation season.

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(c), 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. 32077 (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

[Handwritten signatures and initials]
MPL
ju
CLB

The remainder of this right was forfeited for non-use from 1997 to 2008.

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

~~This claim required no order of Right no. 65-6767 in the Final Decree, in the Hall of the Supreme Determination of the Right to the use of the surface waters of Twin Lake, including Tributaries and outflow. Case No. 35-12 11th July 1961. Cts April 20, 1960.~~

Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of November 12, 2000, this water right was within State Water District No. B5C.