

**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: 95-17793**

) **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.

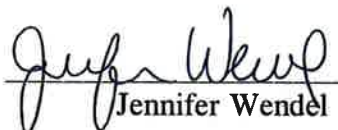
CLAIMANT/OBJECTOR

Chris Varela

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

IDWR Concurrence:

 12/7/2020
Craig Saxton Date
Manager, Water Rights Adjudication

 12/3/2020
Jennifer Wendel
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 17th 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

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

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

John P. Harris

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

RIGHT NUMBER: 95-17793
NAME AND ADDRESS: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE ID 83814

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
2.40 AFY

~~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: 07/01/1959

POINT OF DIVERSION: T50N R04W S9 SWSW Within KOOTENAI County

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

COMMERCIAL

01/01 12/31

0.030 CFS

2.40 AFY

Commercial use is for an event center.

PLACE OF USE:

COMMERCIAL 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. Idaho Code § 42-1412(6).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

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

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

~~Parcel No. 50N04W096200~~

JW

LLS

Thomas V. Bunge