

**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: 95-2096
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:

Diane Park

CLAIMANT:

Daniel Park


Diane Park, Pro Se 12/17/20 Date


Daniel Park, Pro Se 12-17-20 Date

OBJECTOR:

State of Idaho


Shantel Chapple Knowlton 12/28/20 Date
Deputy Attorney General

IDWR Concurrence:

 12/28/2020

Date
Craig Saxton
Manager, Water Rights Adjudication

 12/28/20

Date
Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

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

08/04/2020

RIGHT NUMBER: 95-2096

NAME AND ADDRESS: DANIEL M PARK
6072 W STURGEON RD
RATHDRUM ID 83858-7584

DIANE PARK
18815 N MILWAUKEE RD
RATHDRUM ID 83858-8829

SOURCE: RATHDRUM CREEK TRIBUTARY: SINKS

QUANTITY: 0.070 CFS

PRIORITY DATE: 06/28/1952

POINT OF DIVERSION: T52N R04W S20 NWNW Within KOOTENAI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/15 11/15	0.070 CFS

PLACE OF USE: IRRIGATION in KOOTENAI County
T52N R04W S20 NWNW 3.50

3.5 ACRES TOTAL

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.

CLS
AS
JK
DP

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 - Decreed

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

Parcel No. 52N04W202550

Right Nos. 95-7727 and 95-8082 are also diverted through the point of diversion described above.

CLS
AS
JK
UP

This right originated as all or part of Right No. 95-2096 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).

CERTIFICATE OF SERVICE

I hereby certify that on this 29th 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

Diane Park
18815 N. Milwaukee Road
Rathdrum, ID 83858

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

Daniel Park
6072 W. Sturgeon Road
Rathdrum, ID 83858

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

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

☐ 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

Kimberle English