

**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: 95-2138**
) **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.

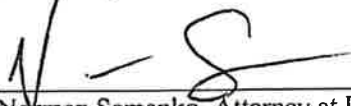
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANTS/OBJECTORS:
Susan Martell and Becky Nelson

RESPONDENTS:
Daniel A. Barkley, Melissa Marie Stocking,
and Kathryn M. Spackman



Michael Lawrence, Attorney at Law Date 7/2/2024

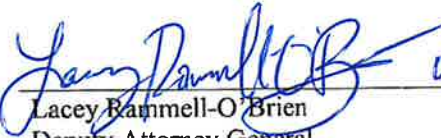


Norman Semanko, Attorney at Law Date 6-10-24

IDWR Concurrence:



Craig Saxton Date 7-9-24
Manager, Water Rights Adjudication



Lacey Rammell-O'Brien Date 07/05/24
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of July, 2024 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	☐ Overnight Mail
Cocur d'Alene-Spokane River Basin Adj.	☒ Regular Mail
PO Box 2707	☐ Hand-delivered
Twin Falls, ID 83303-2707	☐ Facsimile

2. Copies to:

IDWR Document Depository	☐ Overnight Mail
322 East Front St.	☐ Regular Mail
PO Box 83720	☒ Hand-delivered
Boise, ID 83720-0098	☐ Facsimile

Daniel Barkley	☐ Overnight Mail
Melissa Stocking	☒ Regular Mail
Kathryn Spackman	☐ Hand-Delivered
Represented by:	☐ Facsimile
Norman Semanko	
Parson Behle & Latimer	
800 West Main Street Ste 1300	
Boise, ID 83702	

Becky Nelson	☐ Overnight Mail
Susan Martell	☒ Regular Mail
Represented by:	☐ Hand-Delivered
Michael Lawrence	☐ Facsimile
Givens Pursley LLP	
601 W Bannock St	
PO Box 2720	
Boise, ID 83701-2720	

United States of America	☐ Overnight Mail
Represented by:	☒ Regular Mail
US Department of Justice	☐ Hand-Delivered
550 West Fort Street, MSC 033	☐ Facsimile
Boise, ID 83724	

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



A handwritten signature, appearing to read "J. Schell", is written over a horizontal line.

03/30/2022

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

RIGHT NUMBER: 95-2138

NAME AND ADDRESS: BECKY D NELSON
3120 COOLIDGE DR
BELLINGHAM WA 98225SUSAN MARTELL
3208 PLYMOUTH DR
BELLINGHAM WA 98225

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.270 CFS
116.20 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/09/1961

POINT OF DIVERSION: T52N R04W S25 NENE Within KOOTENAI County
T52N R04W S25 NWNE Within KOOTENAI County
T52N R04W S25 NENE Within KOOTENAI CountyNS
MPLPURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.030 CFS 1.20 AFY
IRRIGATION	04/01 11/01	0.270 CFS 115.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Domestic use is for 1 home.

PLACE OF USE:

IRRIGATION in KOOTENAI County
T52N R04W S25 NENE 21.00 T52N R04W S25 NWNE 12.00DOMESTIC in KOOTENAI County
T52N R04W S25 NWNE

33 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.

EXPLANATORY MATERIAL: BASTS OF CLAIM - License

~~Right Nos. 95-13699, 95-14511 and 95-17232 are also diverted through the points of diversion described above.~~

Right No. 95-17232 is also diverted through the point of diversion described above.

Parcel No. 52N04W251300