

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 11 2024

Clerk
Deputy Clerk

**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)
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Case No. 49576)
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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

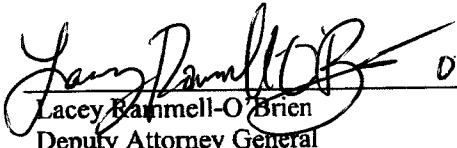


Norman Semanko, Attorney at Law Date

IDWR Concurrence:



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



Lacey Bannell-O'Brien 07/05/24
Deputy Attorney General Date
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
Cocur 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

Daniel Barkley
Melissa Stocking
Kathryn Spackman
Represented by:
Norman Semanko
Parson Behle & Latimer
800 West Main Street Ste 1300
Boise, ID 83702

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

Becky Nelson
Susan Martell
Represented by:
Michael Lawrence
Givens Pursley LLP
601 W Bannock St
PO Box 2720
Boise, ID 83701-2720

Overnight Mail
 Regular Mail
 Hand-Delivered
 Facsimile

United States of America
Represented by:
US Department of Justice
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



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 98225

SUSAN 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 County

NS
MPL

PURPOSE 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 12.00

DOMESTIC in KOOTENAI County
T52N RC4W 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:

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

(E)
LLS

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

Parcel No. 52N04W251300