

DEPARTMENT OF
WATER RESOURCES

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

MAR 17 2016

By _____ 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

Case No. 49576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NOS.: 92-10877

I. FINDINGS OF FACT

A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

Objections were filed by Potlatch Forest Holdings, Inc., and the State of Idaho. The *Objections* were resolved on March 10, 2016 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 17, 2016.

Brigette Bilyeu
BRIGETTE BILYEU
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

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

MAR 17 2016

By

Clerk

Deputy Clerk

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MAR 18 2016

DEPARTMENT OF
WATER RESOURCES

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)
) PARTIAL DECREE PURSUANT TO
Case No. 49576)
) I.R.C.P. 54(b) FOR
)
) Water Right 92-10877

NAME AND ADDRESS: POTLATCH FOREST HOLDINGS INC
601 W 1ST AVE
SPOKANE, WA 99201

SOURCE: CANYON CREEK TRIBUTARY: THORN CREEK

QUANTITY: 0.20 CFS

The quantity of water under this right for industrial use shall
not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 06/01/1970

POINT OF DIVERSION: T46N R01W S32 NWSW Within Benewah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	05-01 TO 11-30	0.20 CFS
	Fire Protection	05-01 TO 11-30	0.20 CFS

Industrial use is for the management of forest lands.

PLACE OF USE:	Industrial	Within Benewah County
	T45N R01E S04 LOT 1 (NENE)	LOT 2 (NWNE)
		SWNE SENE
	LOT 3 (NENW)	LOT 4 (NWNW)
		SWNW SENW
		NESW NWSW
		SWSW SESW
		NESE NWSE
		SWSE SESE
	S06 LOT 1 (NENE)	LOT 2 (NWNE)
		SWNE SENE
	LOT 3 (NENW)	LOT 4 (NWNW)
	LOT 5 (SWNW)	SENW
		NESW (NWSW)
	LOT 7 (SWSW)	SESW
		NESE NWSE
		SWSE SESE
	S08	NENE NWNE
		SWNE SENE
		NENW NWNW
		SWNW SENW
		NESW NWSW
		SWSW SESW
		NESE NWSE
		SWSE SESE
	R01W S09	NENE NWNE
		SWNE SENE
		NENW NWNW
		SWNW SENW
		NESW NWSW
		SWSW SESW
		NESE NWSE
		SWSE SESE
	S11	NENE NWNE
		SWNE SENE
		NENW NWNW

CSRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

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BUREAU OF LAND MANAGEMENT

		SWNW	SENE
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
S12		NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
T46N R01E S19		NESW	LOT 9 (NWSW)
	LOT 10	(SWSW)	SESW
	LOT 5	(NESE)	LOT 6 (NWSE)
		SWSE	SESE
S20		NESW	LOT 6 (NESW)
	LOT 5	(NWSW)	SWSW
		SESW	LOT 13 (SESW)
	LOT 12	(SWSE)	
S28		NENE	NWNE
		SENE	SWNW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
S29		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
S30		NENE	NWNE
		SWNE	SENE
		NENW	LOT 1 (NWNW)
	LOT 2	(SWNW)	SENW
		NESW	LOT 3 (NWSW)
	LOT 4	(SWSW)	SESW
		NESE	NWSE
		SWSE	SESE
S31 LOT 1		(NWNW)	
S32		NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
R01W S17 LOT 11		(NESW)	LOT 12 (NWSW)
		SWSW	SESW
		SWSE	
S18		NESE	SESE
S20		NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
S22		SENE	NESW

CSRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S25	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S26	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S28	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S31	NENE	NWNE
	SENE	NESE
S32	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S33	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S34	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SESW	NESE
	NWSE	SWSE
	SESE	

Fire Protection

T45N R01E S04 LOT 1	(NENE)
	SWNE
LOT 3	(NENW)
	SWNW
	NESW
	SWSW
	NESE
	SWSE

Within Benewah County

LOT 2	(NWNE)
	SENE
LOT 4	(NWNW)
	SENW
	NWSW
	SESW
	NWSE
	SESE

CSRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

S06	LOT 1	(NENE)	LOT 2	(NWNE)
		SWNE		SENE
	LOT 3	(NENW)	LOT 4	(NWNW)
	LOT 5	(SWNW)		SESW
		NESW	LOT 6	(NWSW)
	LOT 7	(SWSW)		SESW
		NESE		NWSE
		SWSE		SESE
S08		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
R01W S09		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
S11		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		NESW	LOT 9	(NWSW)
T46N R01E S19		(SWSW)		SESW
	LOT 10	(NESE)	LOT 6	(NWSE)
	LOT 5	SWSE		SESE
		NESW	LOT 6	(NESW)
S20		(NWSW)		SWSW
	LOT 5	SESW	LOT 13	(SESW)
	LOT 12	(SWSE)		
S28		NENE		NWNE
		SENE		SWNW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		SWNE		SENE
S29		NENW		NWNW
		SWNW		SESW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
		NENE		NWNE
S30		SWNE		SENE
		NENW	LOT 1	(NWNW)

CSRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

LOT 2	(SWNW)	SENW
	NESW	(NWSW)
LOT 4	(SWSW)	SESW
	NESE	NWSE
	SWSE	SESE
S31 LOT 1	(NWNW)	
S32	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
R01W S17 LOT 11	(NESW)	LOT 12 (NWSW)
	SWSW	SESW
	SWSE	
S18 LOT 6	(SWNE)	LOT 8 (SENE)
LOT 5	(SENW)	NESE
	SESE	
S20	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S22	SENE	NESW
	NWSW	SWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S25	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S26	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S28	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S30	NENE	NWNE
	SWNE	SENE
	NENW	LOT 1 (NWNW)
LOT 2	(SWNW)	SENW
	NESW	LOT 3 (NWSW)
LOT 4	(SWSW)	SESW
	NESE	NWSE

PLACE OF USE (continued)

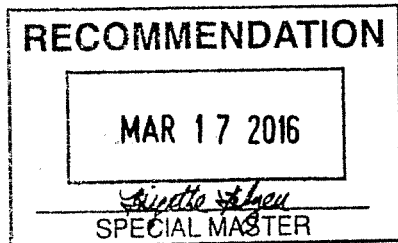
		SWSE	SESE
	S31	NENE	NWNE
		SENE	NESE
	S32	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S33	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SWSE	SESE
	S34	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SESW	NESE
		NWSE	SWSE
		SESE	

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 17 2016	
By _____	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 SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 92-10877

On March 17, 2016, Special Master BRIGETTE BILYEU
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED March 17, 2016.


JANET CONNELL
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 17 2016	
By _____	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 SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 92-10877

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 17, 2016, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO

Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

POTLATCH FOREST HOLDINGS INC

Represented by:
MICHAEL P LAWRENCE
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

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JANET CONNELL 03/17/16
Deputy Clerk