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FEB 08 2017

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 07 2017	
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.: 91-7228
)
)
)
)
)
)

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.

An *Objection* was filed by the Coeur d'Alene Tribe on June 24, 2015. A *Response* was filed by the State of Idaho. The *Objection* was resolved on February 1, 2017, 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: February 7, 2017.



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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

FEB 07 2017

By _____ Clerk
Deputy Clerk

In Re CSRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 49576)
Water Right 91-07228

NAME AND ADDRESS: SHAWN M FLY
32086 S HELLS GULCH RD
SAINT MARIES, ID 83861

SOURCE: UNNAMED STREAM TRIBUTARY: ST JOE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 12/31/1918

POINT OF DIVERSION: T47N R02W S30 SWSE (Instream Beginning Point) Within Kootenai County
NESE (Instream Beginning Point)
NENW (Instream Beginning Point)
NWNE (Instream Beginning Point)
NESW (Instream Ending Point)
LOT 3 (NWSW) (Instream Ending Point)
LOT 4 (SWSW) (Instream Ending Point)
LOT 3 (NWSW) (Instream Ending Point)
LOT 2 (SWNW) (Instream Ending Point)
S31 LOT 1 (NWNW) (Instream Beginning Point)
SENE (Instream Beginning Point)
NESW (Instream Beginning Point)
LOT 2 (SWNW) (Instream Beginning Point)
NENW (Instream Beginning Point)
LOT 3 (NWSW) (Instream Ending Point)
LOT 4 (SWSW) (Instream Ending Point)
LOT 2 (SWNW) (Instream Ending Point)
R03W S25 SENE (Instream Beginning Point)
SWSE (Instream Ending Point)
SWSE (Instream Beginning Point)
SENE (Instream Beginning Point)
SWSE (Instream Ending Point)
NESE (Instream Beginning Point)
NESE (Instream Ending Point)
SENE (Instream Ending Point)
S36 NENE (Instream Ending Point)
NENE (Instream Ending Point)
NENE (Instream Beginning Point)

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Stockwater 01-01 TO 12-31 0.02 CFS

Stockwater use is for the in-stream watering of livestock.

PLACE OF USE: Stockwater Within Kootenai County
T47N R02W S30 NWNE NENW
LOT 1 (NWNW) LOT 2 (SWNW)
SENE NESW
LOT 3 (NWSW) LOT 4 (SWSW)
SESW NESE
NWSE SWSE
S31 NENW LOT 1 (NWNW)
LOT 2 (SWNW) SENW
NESW LOT 3 (NWSW)

PLACE OF USE (continued)

	LOT 4	(SWSW)	
R03W S25	SENE		NESE
	SWSE		SESE
S36	NENE		

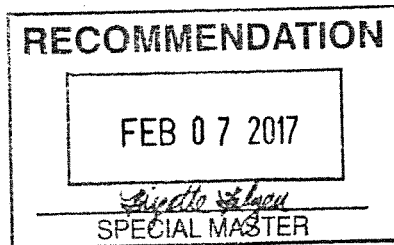
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

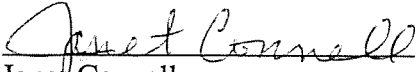
In Re CSRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
	)	REPORT AND
	)	RECOMMENDATION
Case No. 49576	)	
	)	Water Right (s): 91-7228
	)	
	)	
	)	
_____	)	

On February 7, 2017 Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION FOR PARTIAL DECREE for the above subcase (s) pursuant to CSRBA Administrative Order 1 (AO1), Section 18a.

Pursuant to CSRBA Administrative Order 1, Section 18a, 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: February 7, 2017.



Janet Connell
Assistant to Special Master

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION was mailed on February 07, 2017, with sufficient first-class postage to the following:

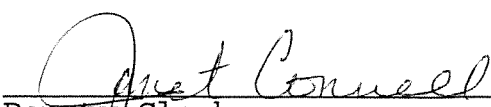
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

HOWARD A. FUNKE
424 SHERMAN AVE STE 308
PO BOX 969
COEUR D ALENE, ID 83816-0969
Phone: 208-667-5486

NORMAN M SEMANKO
101 S CAPITOL BLVD 10TH FL
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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County of Twin Falls - State of Idaho	
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