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JUL 07 2017

DEPARTMENT OF
WATER RESOURCES

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

JUL - 6 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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 94-09393
) and 94-09430

I. FINDINGS OF FACT

Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

On July 28, 2016, the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation, through its attorney Howard Funke, filed an objection to the *Director's Report* for water right 94-09430. Water right 94-09393 was identified by IDWR as an uncontested right which may be affected by the outcome of a contested matter. On July 5, 2017, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 94-09393 and 94-09430 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 6, 2017



Theodore R. Booth
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

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DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 94-09430

NAME AND ADDRESS: CHERRI KILIAN
15410 E 26TH COURT
SPOKANE VALLEY, WA 99037

SOURCE: BLACK LAKE

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 12/31/1968

POINT OF DIVERSION: T47N R03W S12 NWNE Within Kootenai County

This right does not grant any right-of-way or easement across
the land of another.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
Domestic use is for 1 home.			

PLACE OF USE:	Domestic	Within Kootenai County
	T47N R03W S12	NWNE

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

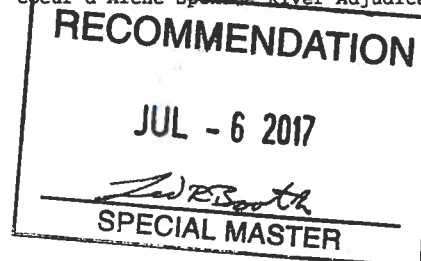
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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



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

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DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 49576) I.R.C.P. 54(b) FOR
)
) Water Right 94-09393

NAME AND ADDRESS: THOMAS O BELL
120 FLINT ST
MOSCOW, ID 83843

CHERRI KILIAN
15410 E 26TH COURT
SPOKANE VALLEY, WA 99037

ANGELA SIEVERDING
LARRY SIEVERDING
2730 NETTLETON GULCH
COEUR D ALENE, ID 83815

MICHAEL A FERRANTE
4324 S CUSTER ST
SPOKANE, WA 99223-1202

DANA STOVER
DOUG BAKER
901 WOODLAWN DR
DEKALB, IL 60115

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 2,500
gallons per day.
This right when combined with other rights from the same
point(s) of diversion is limited to a total combined diversion
rate of .04 cfs.

PRIORITY DATE: 10/10/1970

POINT OF DIVERSION: T47N R03W S12 LOT 5 (NWNE) Within Kootenai County

Point of Diversion is located within Lot 6, Blk. 1, Unit 1,
Black Lake Shores subdivision.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 5 homes.

PLACE OF USE: Domestic Within Kootenai County
T47N R03W S12 LOT 5 (NWNE)

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
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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	
JUL - 6 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

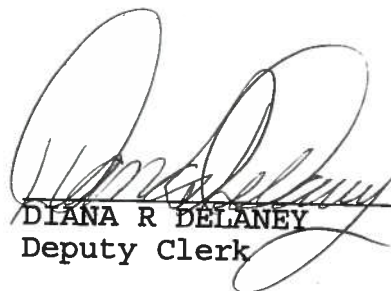
Water Right(s): 94-09393
94-09430

On July 06, 2017, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to CSRBA Administrative Order 1 (A01), Section 18a.

Pursuant to CSRBA Administrative Order 1 (A01), 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 July 06, 2017.


DIANA R DELANEY
Deputy Clerk

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WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL - 6 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 94-09393
94-09430

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 July 06, 2017, 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

CERTIFICATE OF MAILING

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COEUR D'ALENE TRIBE

Represented by:

HOWARD A. FUNKE

424 SHERMAN AVE STE 308

PO BOX 969

COEUR D ALENE, ID 83816-0969

Phone: 208-667-5486

CHERRI KILIAN

Represented by:

NORMAN M SEMANKO

999 WEST MAIN STREET STE 1300

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

THOMAS O BELL

120 FLINT ST

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SPOKANE VALLEY, WA 99037

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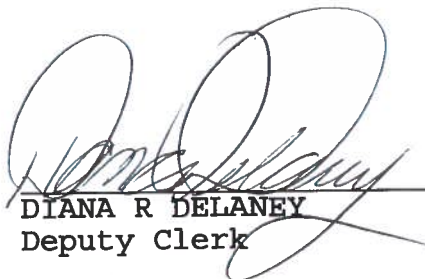
DANA STOVER

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901 WOODLAWN DR

DEKALB, IL 60115

Phone: 208-310-1383



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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