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JUL 28 2017

DEPARTMENT OF  
WATER RESOURCES

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

JUL 27 2017

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

By \_\_\_\_\_ Clerk

Deputy Clerk

In Re CSRBA

Case No. 49576

) SPECIAL MASTER'S REPORT  
)  
) FINDINGS OF FACT AND  
) CONCLUSIONS OF LAW  
)  
) FOR WATER RIGHT 94-07997

### I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right 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 and filed its *Director's Report for Basin 94 Water Rights* on February 25, 2016. The *Director's Report* contained a recommendation for the elements of this water right.

On July 28, 2016, the Coeur d'Alene Tribe of the Coeur d'Alene Indian Reservation filed an objection to the *Director's Report*. On July 10, 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 right 94-07997 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 27, 2017

  
\_\_\_\_\_  
THEODORE R. BOOTH  
Special Master  
Coeur d'Alene-Spokane River Basin Adjudication

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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 )  
Case No. 49576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 94-07997

NAME AND ADDRESS: STEVEN RINALDI  
815 MCKINLEY AVE  
KELLOGG, ID 83837

SOURCE: BLACK LAKE TRIBUTARY: COEUR D'ALENE RIVER

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 NENW 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 LOT 4 (NENW) LOT 4 (SENW)

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

RECOMMENDATION

JUL 27 2017

*Lawrence Booth*  
SPECIAL MASTER

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DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - CSRBA                |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| JUL 27 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

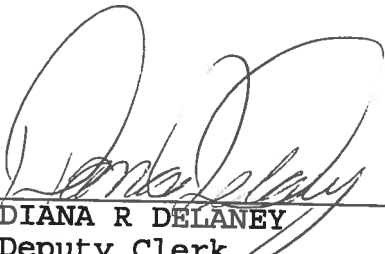
Water Right(s): 94-07997

On July 26, 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 26, 2017.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - CSRBA                |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| JUL 27 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): 94-07997

### 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 26, 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

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

CERTIFICATE OF MAILING

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07/26/17