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SEP 11 2019

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 10 2019	
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 NO(s): 95-9456,
) 95-9572, and 95-9877
)

I. FINDINGS OF FACT

Claims were filed for these water rights 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 recommendations for the elements of these water rights.

Objections were filed by the Idaho Department of Lands on April 26, 2019. The *Objections* were resolved on August 26, 2019 with the filing of *Standard Forms 5*. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

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

DATED: September 10, 2019.



BRIGETTE BILYEU
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

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By _____	Clerk
	Deputy Clerk

In Re CSRBA

Case No. 49576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 95-09456

NAME AND ADDRESS: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

SOURCE: GROUND WATER

QUANTITY: 1.50 CFS

Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total
combined diversion rate of 2.05 cfs.

PRIORITY DATE: 01/26/1995

POINT OF DIVERSION: T53N R03W S09 SESW Within Kootenai County
S10 SESW
S16 NWNE

The issuance of 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
	Municipal	01-01 TO 12-31	1.50 CFS

PLACE OF USE:

Place of use is within the service area of the City of Athol
municipal water supply system as provided for under Idaho Law.
State endowment land within the municipal service area shall not
be considered part of the place of use for this water right
absent an express agreement between the Idaho Department of Lands
and the municipal provider recorded with the Idaho Department of
Water Resources.

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

This right authorizes the diversion of ground water within the
Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of
water under this right shall be subject to the provisions of the
management plan approved by the director for the RPGWMA.

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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WATER RESOURCES

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	
SEP 10 2019	
By _____	Clerk
Deputy Clerk	

In Re CSRBA)
Case No. 49576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 95-09572

NAME AND ADDRESS: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

SOURCE: GROUND WATER

QUANTITY: 0.38 CFS
122.50 AFY

Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total
combined diversion rate of 2.05 cfs.

PRIORITY DATE: 11/15/1968

POINT OF DIVERSION: T53N R03W S09 SESW Within Kootenai County
S10 SESW
S16 NWNE

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
	Municipal	01-01 TO 12-31	0.38 CFS 122.50 AFY

PLACE OF USE:

Place of use is within the service area of the City of Athol
municipal water supply system as provided for under Idaho Law.
State endowment land within the municipal service area shall not
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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

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

SEP 10 2019

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 49576)
 _____)
 Water Right 95-09877

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: CITY OF ATHOL
 PO BOX 249
 ATHOL, ID 83801-0249

SOURCE: GROUND WATER

QUANTITY: 0.55 CFS

Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total
 combined diversion rate of 2.05 cfs.

PRIORITY DATE: 04/17/1981

POINT OF DIVERSION: T53N R03W S09 SESW Within Kootenai County
 S10 SESW
 S16 NWNE

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
	Municipal	01-01 TO 12-31	0.55 CFS

PLACE OF USE:

Place of use is within the service area of the City of Athol
 municipal water supply system as provided for under Idaho Law.
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RULE 54(b) CERTIFICATE

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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
SEP 10 2019
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): 95-09456
95-09572 95-09877

On September 10, 2019, Special Master BRIGETTE BILYEU 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 September 10, 2019.


JANET CONNELL
Deputy Clerk

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Fifth Judicial District	
County of Twin Falls - State of Idaho	
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_____	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): 95-09456
95-09572 95-09877

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 September 10, 2019, with sufficient first-class postage prepaid to the following:

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

IDAHO DEPARTMENT OF LANDS

Represented by:
STATE OF IDAHO
700 W JEFFERSON, RM 210
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

CITY OF ATHOL

PO BOX 249
ATHOL, ID 83801-0249
Phone: 208-683-2101

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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09/10/19