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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
SEP 11 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.: 95-2142**

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 State of Idaho on April 26, 2019. A *Response* was filed by North Idaho Water Rights Alliance Members on May 13, 2019. The *Objection* was resolved on August 19, 2019 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: September 11, 2019.

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
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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)
)

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

Water Right 95-02142

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NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

SOURCE: GROUND WATER

QUANTITY: 0.56 CFS
277.00 AFY

The rights listed below are limited to a total combined annual diversion volume of 624 AF for irrigation purposes. Combined Right Nos.: 95-2134, 95-2142, and 95-7063
Right Nos. 95-2142 and 95-17426 are limited to a total combined diversion rate of 0.56 cfs.

PRIORITY DATE: 03/07/1962

POINT OF DIVERSION: T51N R04W S34 SWSW Within Kootenai County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.56 CFS 273.00 AFY
Domestic	01-01 TO 12-31	0.06 CFS 3.60 AFY

Domestic use is for 1 home and a commercial nursery site.

PLACE OF USE:

Irrigation — Within Kootenai County

T50N R04W S03 LOT 3	(NENW)40.0	LOT 4	(NWNW)40.0
T51N R04W S34	NESW 13.0		NWSW 20.0
	SWSW 38.0		SESW 37.0
	SWSE 10.0		

198.0 Acres Total

Domestic — Within Kootenai County

T50N R04W S03 LOT 4	(NWNW)
T51N R04W S34	SWSW

Right Nos. 95-2134 and 95-2142 are limited to the irrigation of a combined total of 198 acres in a single irrigation season.
The rights listed below are limited to the irrigation of a combined total of 208 acres in a single irrigation season.
Combined Right Nos.: 95-2134, 95-2142, and 95-7063.

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).

RECOMMENDATION
SEP 11 2019
SPECIAL MASTER

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 Case No. 49576	NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION Water Right(s): 95-02142

On September 11, 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 11, 2019.

Janet Connell
JANET CONNELL
Deputy Clerk

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Fifth Judicial District
County of Twin Falls - State of Idaho
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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)	CERTIFICATE OF MAILING
)	
Case No. 49576)	
)	Water Right(s): 95-02142

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 11, 2019, 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

ALAN LITTLEJOHN
ALFRED SICHLINGER
ANNIKA CHATFIELD-DIETRICH
ARLISS BLALACK
AUDREY ANDERSEN
BARBARA HARPOLE
BARNEY LAYTON
BEN RADFORD
BERNARD & DAWN WEBER
BETTY HANCOCK
BEVERLY & FLOYD KLEIN
BILL L CONNER
BLACK BEAR WATER ASSN
BLUE WOLF COMMUNITY CLUB
BONNIE (ELEANOR Y) DONOHOE
BONNIE DOOSE
BRUCE & CAROL MADDUX
BRUCE CYR
CARL BLALACK
CARL COCHRANE
CARL W ANDERSON
CARLA WOEMPNER
CAROL CLARK
CAROL FELT BROWNING
CHERYL PRUEHER
CINDY COOPER
CLYDE H SHEPPARD
CONNIE L HASZ
CROWS NEST WATER ASSN
DALE HERBOLDT
DANIEL G REMMICK
DARBY G DONOHOE
DAREN & JANET LABOLLE
DAREN LABOLLE
DARLA NOEL-WESSEL
DAVID & JANET WEINGART
DAVID & JILL CHRISTIANSEN
DAVID & KATHY MCDANIEL
DAVID "BRAD" & MARY CORKILL
DAVID SHERIDAN
DEAN & GLENDA GENTRY
DENNIS BACKUS
DERALD MOYER
DIANNE ANDERSON
DICK & CAROLE HARWOOD
DON & MARTHA VAIL
DON H SHERFEY
DONALD & CHRISTINE MCCAW
DONALD SUTTON
DOUG LUCHINI

CERTIFICATE OF MAILING

DOUGLAS & KRISTI PAYNE
DWAYNE LAYTON
EDMOND & JANET FERREL
EDWARD & CANDACE ANDERSON
ELIZABETH ROBERTS
ERIC & SUSAN SKIDMORE
ERNEST & MYRA ECKLUND
FLORENCE FARBER
FRANK FRUTCHEY
FRED & MARCY HASZ
GALE BRIGGS
GARY & PATRICIA MITCHELL
GARY JOHNSON
GARY MITCHELL
GARY WEEKS
GENE L & WESLEY L WARREN
GENE WEBB
GIANOTTI TRUST DTD 1991
GINA SUTTON
GLENNIE & ELIZABETH RENNER
GORDON SANDERS
GREG DELAVAN
HAGADONE HOSPITALITY CO
HARMON PROPERTY OWNERS ASSN
  Represented by:
NORMAN M SEMANKO
PARSONS BEHLE & LATIMER
800 WEST MAIN STREET STE 1300
BOISE, ID 83702
Phone: 208-562-4900

HARRY GRUBHAM
HELEN JACQUEMIN
HERMAN FRITZ
HISAYA & DOROTHY TAKASHINA
J RACHAEL JOHNSON
JACK & ELEANOR BUELL
JAIDA LEVINE
JAKAR VENTRIS LLC
JAMES & MOLLY DOLLIVER
JAMES & VICTORIA FURTH
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JOHN BOOTHE
JOHN M MARSAN
JOHN NEIRINCKX
JOHN NEIRINCKX II
JOHN R KRAACK
JORDON REDMAN
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JOYCE D & CHARLES R STOCK
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KEITH KLEINKHECHT
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LARRY & SUSAN SOTIN
LARRY DONAHOE
LARRY LEHTOLA
LELAND & DANIELLE BOLDT
LES VAWTER

CERTIFICATE OF MAILING

LINDA ALLDREDGE
LINDA LITTLEJOHN
LINDA RIDER
LOIS TUEL
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MULLAN SCHOOL #392
NANCY KLEINKHECHT
NAOMI ANDERSON
NEIL & NANCY STROM
NONA BRUNS
NORMAN CARROLL
NORMAN MC CALL
PAM SECORD FOR OCEANWOODS
PATRICE HARTEL
PATRICIA & KENNETH RENNER
PATRICIA LOZANO
  Represented by:
NORMAN M SEMANKO
PARSONS BEHLE & LATIMER
800 WEST MAIN STREET STE 1300
BOISE, ID 83702
Phone: 208-562-4900

PATRICIA MITCHELL
PATRICK & ANNETTE PETRIE
PAUL & COLLEEN SMITH
PAUL MURRAY
PAUL SEGSWORTH
PEGGY TIMKEN
PERRY ANDERSON
PHILLIP GRAVES
PHILLIP LEVINE
R EARL ANDERSEN
RALPH & BETH BANDEROB
RALPH KAHN
RANDY WILSON
RASOR FAMILY PROPERTY
RATHDRUM POWER LLC
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RICHARD L POWELL
RICK & HOLLY DAY
RICKEY DUNN
ROBERT & DIANNA BOSTROM
ROBERT & GAIL SHORT
ROBERT & JULIE GRUNZWEIG
ROBERT & NORMA WHITE
ROBERT & PATTY ANDERSON
ROBERT ELLIS
ROBERT POWELL
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ROBIN & LESLEE STANLEY
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RON MENDIVE
RON WOOD
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ROY & LINDA MICHAEL
ROY MORTENSEN
RUSSEL & MARILYN TANNER
RUSSEL DONOHOE
SERENA LUCAS
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SHEILA M HOLM
SHIRLEY MARSAN
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STEPHEN MATTHEWS
STEVE ADDINGTON
STEVE THOMSON
STEVEN M LISS
SUSAN E DREDGE
SUSAN RODGERS
SUTHERLAND FAMILY REVOCABLE
TERRY & WILMA MURRAY

CERTIFICATE OF MAILING

TERRY GILBRETH
TERRY L WALL
THOMAS F DUNNIGAN
THOMAS G & MARY M CARVER
THOMAS M PATRICK REVOCABLE
TIM DAY
TIM SHANNON
TOM & EILEEN DUHAMEL
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WENDY JACQUEMIN
WESLEY & LINDA JORDAN
WILLIAM & GRETCHEN HARRISON
WILLIAM & NANCY MCANINCH
WILLIAM K HASZ
WILLIAM WHITE
Represented by:
NORMAN M SEMANKO
PARSONS BEHLE & LATIMER
800 WEST MAIN STREET STE 1300
BOISE, ID 83702
Phone: 208-562-4900

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

Janet Connell
JANET CONNELL
Deputy Clerk