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OCT 16 2019

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 15 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.: 95-9460

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 Department of Lands on April 26, 2019. The *Objection* was resolved on September 11, 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: October 15, 2019.



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

In Re CSRBA

Case No. 49576

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

Water Right 95-09460

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

OCT 15 2019

By _____

Clerk

Deputy Clerk

NAME AND ADDRESS:

BAYVIEW WATER & SEWER DISTRICT
PO BOX 637
BAYVIEW, ID 83803-0637

SOURCE:

GROUND WATER

QUANTITY:

1.70 CFS
731.40 AFY

PRIORITY DATE:

08/27/1998

POINT OF DIVERSION:

T53N R02W S03 SWNW Within Kootenai County
NESW

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	1.70 CFS
Fire Protection	01-01 TO 12-31	731.40 AFY
		1.70 CFS

Water shall not be diverted for fire protection use under this
right except to fight or repel an existing fire.

PLACE OF USE:

Place of use is within the service area of Bayview Water and
Sewer District as provided for under Idaho law.
State endowment land within the Bayview Water and Sewer District
service area shall not be considered part of use for this water
right absent an express agreement between the Idaho Department of
Lands and the Bayview Water and Sewer District 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
RPGWMA management plan approved by the director, including its
conservation goals.

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

OCT 15 2019

Shirley Wilson
SPECIAL MASTER

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WATER RESOURCES

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In Re CSRBA)
Case No. 49576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 95-09460

On October 15, 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 October 15, 2019.


JANET CONNELL
Deputy Clerk

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 95-09460

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 October 15, 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

BAYVIEW WATER & SEWER DISTRICT
PO BOX 637
BAYVIEW, ID 83803-0637
Phone: 208-683-2389

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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10/15/19