

RECEIVED

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.: 95-12284
)

I. FINDINGS OF FACT

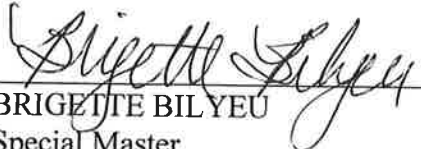
A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Alan Carter on March 25, 2019. The *Objection* was resolved on September 18, 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

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

OCT 15 2019

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 95-12284

By _____

Clerk

Deputy Clerk

RECEIVED

OCT 16 2019

**DEPARTMENT OF
WATER RESOURCES**

NAME AND ADDRESS:

ALAN W CARTER
3069 W PRESLEY RD
COEUR D ALENE, ID 83814

SOURCE:

UNNAMED STREAM TRIBUTARY: KID CREEK

QUANTITY:

0.04 CFS
13.40 AFY

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

PRIORITY DATE:

01/01/1970

POINT OF DIVERSION:

T50N R04W S34 SWNW Within Kootenai County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.02 CFS
Irrigation Storage	03-15 TO 11-15	1.50 AFY
Irrigation from Storage	03-15 TO 11-15	1.50 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
Stockwater Storage	01-01 TO 12-31	0.30 AFY
Stockwater from Storage	01-01 TO 12-31	0.30 AFY
Wildlife Storage	01-01 TO 12-31	11.60 AFY

PLACE OF USE:

Irrigation		Within Kootenai County
T50N R04W S34	SWNW 0.5	
0.5 Acres Total		
Irrigation Storage		Within Kootenai County
T50N R04W S34	SWNW	
Irrigation from Storage		Within Kootenai County
T50N R04W S34	SWNW 0.5	
0.5 Acres Total		
Stockwater		Within Kootenai County
T50N R04W S34	SWNW	
Stockwater Storage		Within Kootenai County
T50N R04W S34	SWNW	
Stockwater from Storage		Within Kootenai County
Same as Irrigation		
Wildlife Storage		Within Kootenai County
T50N R04W S34	SWNW	

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).

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

OCT 15 2019

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 95-12284

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: ALAN W CARTER
3069 W PRESLEY RD
COEUR D ALENE, ID 83814

SOURCE: UNNAMED STREAM TRIBUTARY: KID CREEK

QUANTITY: 0.04 CFS
13.40 AFY

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

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T50N R04W S34 SWNW Within Kootenai County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.02 CFS
Irrigation Storage	03-15 TO 11-15	1.50 AFY
Irrigation from Storage	03-15 TO 11-15	1.50 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
Stockwater Storage	01-01 TO 12-31	0.30 AFY
Stockwater from Storage	01-01 TO 12-31	0.30 AFY
Wildlife Storage	01-01 TO 12-31	11.60 AFY

PLACE OF USE:	Irrigation		Within Kootenai County
	T50N R04W S34	SWNW 0.5	
	0.5 Acres Total		
	Irrigation Storage		Within Kootenai County
	T50N R04W S34	SWNW	
	Irrigation from Storage		Within Kootenai County
	T50N R04W S34	SWNW 0.5	
	0.5 Acres Total		
	Stockwater		Within Kootenai County
	T50N R04W S34	SWNW	
	Stockwater Storage		Within Kootenai County
	T50N R04W S34	SWNW	
	Stockwater from Storage		Within Kootenai County
	Same as Irrigation		
	Wildlife Storage		Within Kootenai County
	T50N R04W S34	SWNW	

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).

RECEIVED
OCT 16 2019
DEPARTMENT OF
WATER RESOURCES

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

RECEIVED

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 95-12284

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

RECEIVED

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)

CERTIFICATE OF MAILING

Case No. 49576)

Water Right(s): 95-12284

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

ALAN W CARTER
3069 W PRESLEY RD
COEUR D ALENE, ID 83814
Phone: 208-664-5676


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/15/19