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NOV 08 2019

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV - 6 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

) FOR WATER RIGHT 95-16925

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. The *Director's Report* contained a recommendation for the elements of this water right.

No objections were filed to the *Director's Report* for this claim. However, during the process of proof-reading the uncontested partial decrees for Basin 95 Part 1, Court staff noticed that the period of use for the Domestic purpose of this right was recommended as "01-01 TO 01-01" (i.e. a one day per year period of use of January 1 to January 1). Further inquiry revealed that the Notice of Claim for the water right submitted to IDWR on September 26, 2014, by Diane Nybo and Tod Nybo listed the claimed period of use for Domestic purpose as: "From 01/01 To 01/01." (Note that the Stockwater portion of the right was claimed as "From 01/01 To 12/31".) Suspecting that the claimed Domestic period of use may be an error or typo, Court staff spoke with Tod Nybo via telephone on August 20, 2019. A notation in the Court file indicates that Mr. Nybo stated he intended to file an amended claim with the department to claim a year 'round domestic period of use. To date, an amended claim has not been filed. A telephonic status conference was held on November 5, 2019. Neither Tod nor Diane Nybo, nor anyone on their behalf, appeared at the telephonic status conference. The Certificate of Mailing in the Court file shows that notice of the status conference was sent to Diane Nybo and Tod Nybo at 10555 E Parks Rd, Athol, ID 83801. Absent the filing of an amended claim by the claimants, neither the Court nor IDWR can take any action to remedy what appears to be an error in the Notice of Claim.

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 95-16925 be decreed as with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated November 6, 2019



Theodore R. Booth
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
)
Case No. 49576)
)

NAME AND ADDRESS: DIANE L NYBO
TOD C NYBO
10555 E PARKS RD
ATHOL, ID 83801

QUANTITY: 0.04 CFS

PRIORITY DATE: 04/18/1995

POINT OF DIVERSION: T53N R03W S24 SWNE Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 01-01	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:	Stockwater	Within Kootenai County
	T53N R03W S24	SWNE
	Domestic	Within Kootenai County
	T53N R03W S24	SWNE

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.

RECOMMENDATION
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

NOV - 6 2019

Lee R. Smith
SPECIAL MASTER

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WATER RESOURCES

DISTRICT COURT - CSRBA
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)

Case No. 49576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

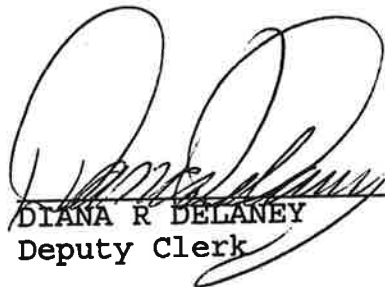
Water Right(s): 95-16925

On November 06, 2019, 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 November 06, 2019.


DIANA R DELANEY
Deputy Clerk

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WATER RESOURCES

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

NOV - 6 2019

By _____

Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF ~~THE~~ ^{Idaho} STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)

Case No. 49576)
_____)

CERTIFICATE OF MAILING

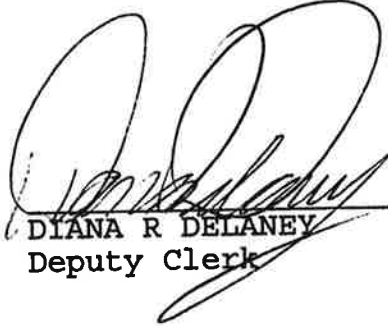
Water Right(s) : 95-16925

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 November 07, 2019, with sufficient first-class postage prepaid to the following:

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

DIANE L NYBO
TOD C NYBO
10555 E PARKS RD
ATHOL, ID 83801
Phone: 208-683-0641


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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11/06/19