

RECEIVED
NOV 15 2019
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
NOV 14 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): 95-1010

I. FINDINGS OF FACT

A notice of 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.

No objections were filed for this water right. This water right, however, is used in combination with water right 95-13890 which was the subject of an *Objection*. An *Objection* was filed by Carl Critz on December 24, 2018. The *Objection* was resolved with the filing of a *Standard Form 5/Amended Claim* on September 11, 2019. All parties to the subcase and IDWR are signatories to the *Standard Form 5/Amended Claim*. The *Standard Form 5/Amended Claim* was placed on the Docket Sheet. No objections were filed and the time for filing such objections has now expired. There are no unresolved objections remaining in this subcase.

Subsequently, a *Notice of Completed Administrative Proceeding* was filed on April 15, 2019 for water right 95-1010. Water right 95-1010 will be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on April 15, 2019.

II. CONCLUSIONS OF LAW

Therefore, 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: November 14, 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

NOV 14 2019

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 _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re CSRBA)
)
 Case No. 49576)
 _____)

PARTIAL DECREE PURSUANT TO
 I.R.C.P. 54(b) FOR
 Water Right 95-01010

NAME AND ADDRESS: CRITZ FAMILY TRUST
 C/O CARL H CRITZ AND
 TIFFANI LEWIS
 PO BOX 2996
 COEUR D ALENE, ID 83816

SOURCE: SPRING TRIBUTARY: SINKS
 POND TRIBUTARY: SINKS

QUANTITY: 0.07 CFS

The quantity of water under Right Nos. 95-1010 and 95-13890
 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1959

POINT OF DIVERSION: T50N R04W S20 SWSE Within Kootenai County
 SWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Stockwater Domestic	PERIOD OF USE 01-01 TO 12-31 01-01 TO 12-31	QUANTITY 0.05 CFS 0.02 CFS
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Domestic use is for 1 home.

PLACE OF USE:	Stockwater T50N R04W S20 Domestic T50N R04W S20	SWSE SWSE	Within Kootenai County Within Kootenai County
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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

NOV 14 2019

SPECIAL MASTER

Eric J. Wildman
 Presiding Judge of the
 Coeur d'Alene-Spokane River Adjudication

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 95-01010

On November 14, 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 November 14, 2019.


JANET CONNELL
Deputy Clerk

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CERTIFICATE OF MAILING

Water Right(s) : 95-01010

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 14, 2019, with sufficient first-class postage prepaid to the following:

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

CRITZ FAMILY TRUST
C/O CARL H CRITZ AND
TIFFANI LEWIS
PO BOX 2996
COEUR D ALENE, ID 83816
Phone: 208-664-6469


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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