

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

JAN 14 2020

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).: 95-8262

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 95-4597 which was the subject of an *Objection*. The *Objection* was withdrawn by City of Coeur d'Alene on September 17, 2019. The Court **granted** the withdrawal of the *Objection*. ***Order Dismissing Objection*** (September 30, 2019) There are no unresolved objections remaining in this subcase.

Water right 95-8262 will be recommended consistent with the *Notice of Completed Administrative Proceeding* filed on June 3, 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: January 14, 2020.

Brigette Bilyeu
BRIGETTE BILYEU, Special Master
Coeur d'Alene-Spokane River Basin Adjudication

RECEIVED

JAN 15 2020

DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
Case No. 49576)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

Water Right 95-08262

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

JAN 14 2020

By

Clerk

Deputy Clerk

NAME AND ADDRESS: CITY OF COEUR D ALENE
WATER DEPT
710 E MULLAN AVE
COEUR D ALENE, ID 83814

SOURCE: SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.31 CFS
503.00 AFY

PRIORITY DATE: 02/14/1983

POINT OF DIVERSION: T50N R04W S10 NWNW Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	0.79 CFS
	Fire Protection	01-01 TO 12-31	503.00 AFY
			3.31 CFS

Industrial use is for a sawmill.

PLACE OF USE:	Industrial	Within Kootenai County
	T50N R04W S10	NENW LOT 2 (NENW)
		NWNW LOT 1 (NWNW)
		SENW LOT 2 (SENW)
	Fire Protection	Within Kootenai County
	Same as Industrial	

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).

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

JAN 14 2020

Eric J. Wildman
SPECIAL MASTER

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

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JAN 15 2020
DEPARTMENT OF
WATER RESOURCES

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JAN 14 2020
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Case No. 49576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 95-08262

On January 14, 2020, 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 January 14, 2020.


JANET CONNELL
Deputy Clerk

RECEIVED
JAN 15 2020
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 14 2020	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 95-08262

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 January 14, 2020, with sufficient first-class postage prepaid to the following:

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

CITY OF COEUR D ALENE
WATER DEPT
710 E MULLAN AVE
COEUR D ALENE, ID 83814
Phone: 208-769-2210



JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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