

AMENDED DIRECTOR'S REPORT

Subcase No. 95-4463

In Re CSRBA

Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Shelley Keen, Water Allocation Bureau Chief

December 7, 2019

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources (IDWR).

DISCUSSION

On August 2, 2018, IDWR filed a Director's Report for the City of Fernan Lake Village's Water Right No. 95-4463, for recreation storage purposes. An objection was filed by the Idaho Department of Lands on April 26, 2019.

IDWR has identified an inadvertent error in the Director's Report in the Tributary listing under the Source element for Water Right No. 95-4463. The correct Tributary should be Fernan Creek.

IDWR has also identified a missing remark under the Purpose and Period of Use element of Water Right No. 95-4463. IDWR is including the following remark in the Purpose and Period of Use element:

This right authorizes a total annual volume of 1500.00 acre-feet to be used for storage within Fernan Lake to achieve and maintain a water surface elevation up to 2133 feet above Mean Sea Level. The total volume is comprised of 1404.00 acre-feet of initial storage and 96.0 acre-feet for the replacement of losses caused by evaporation.

In addition, to resolve the objection filed by the Idaho Department of Lands, IDWR is including the following remark under the Place of Use element:

This right does not grant any right-of-way or easement across the land of another.

The Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase (see attached recommendation).



SHELLEY KEEN
Water Allocation Bureau Chief

CERTIFICATE OF SERVICE

I certify that on December 5, 2019, I served the original and/or copies of this Amended Director's Report – Water Right No. 95-4463, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court	☐ Overnight Mail
Coeur d'Alene-Spokane River Basin Adjudication	☒ Regular Mail
253 Third Avenue North	☐ Hand-Delivered
P.O. Box 2707	☐ Facsimile
Twin Falls, Idaho 83303-2707	

2. Copies to:

Director of IDWR	☐ Overnight Mail
PO Box 83720	☐ Regular Mail
Boise, ID 83720-0098	☒ Hand-Delivered
	☐ Facsimile

Kootenai County Courthouse	☐ Overnight Mail
PO Box 9000	☒ Regular Mail
Coeur d'Alene, ID 83816-9000	☐ Hand-Delivered
	☐ Facsimile

Chief, Natural Resources Div	☐ Overnight Mail
Office of the Attorney General	☒ Regular Mail
State of Idaho	☐ Hand-Delivered
PO Box 83720	☐ Facsimile
Boise, ID 83720-0010	

United States of America	☐ Overnight Mail
Represented by:	☒ Regular Mail
US Department of Justice	☐ Hand-Delivered
Environment & Natl' Resources	☐ Facsimile
550 West Fort Street, MSC 033	
Boise, ID 83724	

City of Fernan Lake Village
PO Box 1775
Coeur d'Alene, ID 83814

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Idaho Department of Lands
Represented by:
State of Idaho
Attorney General's Office
PO Box 83720
Boise, Idaho 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 95-4463

NAME AND ADDRESS: CITY OF FERNAN LAKE VILLAGE
PO BOX 1775
COEUR D ALENE ID 83814

SOURCE: FERNAN LAKE **TRIBUTARY:** FERNAN LAKE CREEK

QUANTITY: 1500.00 AFY

PRIORITY DATE: 06/01/1967

POINT OF DIVERSION: T50N R03W S19 SWNE Within KOOTENAI County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	RECREATION STORAGE	01/01 12/31	1500.00 AFY

Recreation storage is in Fernan Lake.

This right authorizes a total annual volume of 1500.00 acre-feet to be used for storage within Fernan Lake to achieve and maintain a water surface elevation up to 2133 feet above Mean Sea Level. The total volume is comprised of 1404.00 acre-feet of initial storage and 96.0 acre-feet for the replacement of losses caused by evaporation.

PLACE OF USE:

RECREATION STORAGE in KOOTENAI County

T50N R03W S16	NESW	T50N R03W S16 Lot 5	NESW
T50N R03W S16	NWSW	T50N R03W S16 Lot 4	NWSW
T50N R03W S16	SWSW	T50N R03W S16 Lot 8	SWSW
T50N R03W S16	SESW	T50N R03W S16 Lot 8	SESW
T50N R03W S16	NWSE	T50N R03W S16 Lot 6	NWSE
T50N R03W S16	SWSE	T50N R03W S17	NESW
T50N R03W S17 Lot 2	NESW	T50N R03W S17	NWSW
T50N R03W S17 Lot 1	NWSW	T50N R03W S17	SWSW
T50N R03W S17 Lot 1	SWSW	T50N R03W S17	SESW
T50N R03W S17 Lot 5	SESW	T50N R03W S17	NESE
T50N R03W S17 Lot 4	NESE	T50N R03W S17	NWSE
T50N R03W S17 Lot 3	NWSE	T50N R03W S17	SWSE
T50N R03W S17	SESE	T50N R03W S17 Lot 5	SESE
T50N R03W S18	SESE	T50N R03W S18 Lot 1	SESE
T50N R03W S19	NENE	T50N R03W S19 Lot 1	NENE
T50N R03W S19 Lot 2	NENE	T50N R03W S19	NWNE
T50N R03W S20	NENW	T50N R03W S20	NWNW
T50N R03W S20 Lot 1	NWNW	T50N R03W S21	NENW

This right does not grant any right-of-way or easement across the land of another.

The place of use is within Fernan Lake.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.