

RECEIVED
FEB 24 2020
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 21 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 49576	)	FACT AND CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO(s): 95-8153,
	)	95-8628, and 95-13573

I. FINDINGS OF FACT

A notice of claim was filed for these water rights 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 recommendations for the elements of these water rights.

No objections were filed for these water rights. These water rights, however, are used in combination with water right 95-8832 which was the subject of an *Objection*. An *Objection* was filed by Edward and Joyce Lider on August 13, 2018. That *Objection* was resolved on December 23, 2019 with the filing of a *Standard Form 5/Amended Claim*. 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 95-8832.

Subsequently, an *Amended Director's Report* was filed in subcases, 95-8153, 95-8628, and 95-1357. The *Amended Director's Report* for these subcases changed the language for total combined diversion rate by referring to these water rights and 95-8832. The *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the *Amended Director's Report*, and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water rights

95-8153, 95-8628, and 95-13573 be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decrees*.

DATED: February 21, 2020.



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

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

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

FEB 21 2020

In Re CSRBA

Case No. 49576

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

Water Right 95-08153

By

Clerk

Deputy Clerk

NAME AND ADDRESS: LYLE G PISTORIUS
5840 E SLEEPY LN
COEUR D ALENE, ID 83814

RECEIVED

FEB 24 2020

DEPARTMENT OF
WATER RESOURCES

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS
1.20 AFY

The quantity of water under this right shall not exceed 13,000
gallons per day.
The rights listed below are limited to a total combined diversion
rate of 0.04 cfs. Combined Right Nos.: 95-8153, 95-8832,
95-8628 and 95-13573.

PRIORITY DATE: 02/02/1982

POINT OF DIVERSION: T50N R03W S09 SWSE Within Kootenai County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Domestic

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS
1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: Domestic T50N R03W S09 SWSE Within Kootenai County

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

FEB 21 2020

SPECIAL MASTER

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

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

FEB 21 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)
 _____)

PARTIAL DECREE PURSUANT TO
 I.R.C.P. 54(b) FOR
 Water Right 95-08628

NAME AND ADDRESS: ROBERT G MICK
 SIMONE S MICK
 5926 E SLEEPY LN
 COEUR D ALENE, ID 83814-7522

RECEIVED
FEB 24 2020
 DEPARTMENT OF
 WATER RESOURCES

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
 1.20 AFY

The quantity of water under this right shall not exceed 13,000
 gallons per day.
 The rights listed below are limited to a total combined diversion
 rate of 0.04 cfs. Combined Right Nos.: 95-8153, 95-8832,
 95-8628 and 95-13573

PRIORITY DATE: 08/11/1989

POINT OF DIVERSION: T50N R03W S09 SWSE Within Kootenai County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: Domestic T50N R03W S09 SWSE Within Kootenai County

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

FEB 21 2020

Shirley Wilson
 SPECIAL MASTER

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

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

FEB 21 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
 Case No. 49576)
 _____) Water Right 95-13573

RECEIVED

FEB 24 2020

**DEPARTMENT OF
 WATER RESOURCES**

NAME AND ADDRESS: BARBARA A HOWARD
 KENNETH HOWARD
 6902 E SLEEPY LN
 COEUR D ALENE, ID 83814

SOURCE: GROUND WATER

QUANTITY: 0.02 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.
 The rights listed below are limited to a total combined diversion rate of 0.04 cfs. Combined Right Nos.: 95-8153, 95-8832, 95-8628 and 95-13573.

PRIORITY DATE: 12/31/1976

POINT OF DIVERSION: T50N R03W S09 SWSE Within Kootenai County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.01 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

Domestic use is for 1 home.

PLACE OF USE:	Stockwater		Within Kootenai County
	T50N R03W S09	NESE	SESE
	Domestic		Within Kootenai County
	T50N R03W S09	NESE	SESE

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

FEB 21 2020

Eric J. Wildman
SPECIAL MASTER

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

RECEIVED

FEB 24 2020

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 21 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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 95-08153
95-08628 95-13573

On February 21, 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 February 21, 2020.


JANET CONNELL
Deputy Clerk

RECEIVED

FEB 24 2020

DEPARTMENT OF
WATER RESOURCES

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

FEB 21 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)

CERTIFICATE OF MAILING

Case No. 49576)

Water Right(s): 95-08153

95-08628 95-13573

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 February 21, 2020, with sufficient first-class postage prepaid to the following:

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

LYLE G PISTORIUS
5840 E SLEEPY LN
COEUR D ALENE, ID 83814
Phone: 509-992-7288

ROBERT G MICK
SIMONE S MICK
5926 E SLEEPY LN
COEUR D ALENE, ID 83814-7522
Phone: 208-667-4134

CERTIFICATE OF MAILING

PAGE 1
02/21/20

BARBARA A HOWARD
KENNETH HOWARD
6902 E SLEEPY LN
COEUR D ALENE, ID 83814
Phone: 208-667-1658



JANET CONNELL
Deputy Clerk