

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 59576	)	FACT AND CONCLUSIONS OF LAW
	)	
_____	)	WATER RIGHT NO.: 87-11963

I. FINDINGS OF FACT

A 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.

An *Objection* was filed by Board of Regents of the University of Idaho on January 5, 2022. The *Objection* was resolved with the filing of a *Standard Form 5/Amended Claim* on November 30, 2023. 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.

II. CONCLUSIONS OF LAW

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: February 29, 2024.



BRIGETTE BILYEU
Special Master
Palouse River Basin Adjudication

DISTRICT COURT - PRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA)
)
Case No. 59576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 87-11963

On February 29, 2024, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to PRBA Administrative Order 1 (A01), Section 13a.

Pursuant to PRBA Administrative Order 1 (A01), Section 13a, 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 29, 2024.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - PRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 29 2024	
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 PRBA)
)
Case No. 59576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 87-11963

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 29, 2024, with sufficient first-class postage prepaid to the following:

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

BOARD OF REGENTS OF THE
Represented by:
TRAVIS L THOMPSON
163 SECOND AVE W
PO BOX 63
TWIN FALLS, ID 83303-0063
Phone: 208-733-0700


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/29/24

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

FEB 29 2024

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 PRBA)
Case No. 59576)
_____)

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

Water Right 87-11963

NAME AND ADDRESS: BOARD OF REGENTS OF THE
UNIVERSITY OF IDAHO
875 PERIMETER DR MS 3168
MOSCOW, ID 83844-3168

SOURCE: UNNAMED STREAM TRIBUTARY: FLAT CREEK

QUANTITY: 7.20 AFY

The capacity of the storage reservoir is 0.28 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.
The quantity of water under Right Nos. 87-11963 and 87-11962 for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 04/03/1969

POINT OF DIVERSION: T40N R03W S04 LOT 2 (NWNE) Within Latah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Fire Protection Storage	01-01 TO 12-31	7.20 AFY
	Industrial from Storage	01-01 TO 12-31	7.20 AFY
	Industrial Storage	01-01 TO 12-31	7.20 AFY
	Stockwater Storage	01-01 TO 12-31	2.70 AFY
	Wildlife Storage	01-01 TO 12-31	7.20 AFY

Industrial use is for forest practices amd forest dust abatement as provided for by Idaho code 42-201.

PLACE OF USE:	Stockwater Storage	Within Latah County
	T40N R03W S04 LOT 2 (NWNE)	
	Industrial Storage	Within Latah County
	T40N R03W S04 LOT 2 (NWNE)	
	Industrial from Storage	Within Latah County
	T40N R03W S04 LOT 1 (NENE)	LOT 8 (NENE)
	LOT 2 (NWNE)	LOT 7 (NWNE)
	LOT 10 (SWNE)	LOT 9 (SENE)
	LOT 3 (NENW)	LOT 6 (NENW)
	LOT 4 (NWNW)	LOT 5 (NWNW)
	LOT 12 (SWNW)	LOT 11 (SENW)
	NWSW	
	S05 LOT 1 (NENE)	LOT 8 (NENE)
	LOT 9 (SENE)	NESE
	T41N R03W S28	NESW
		NWSW
		SESW
		NESE
		SWSE
		SESE
	S32	SENE
		SESE
	S33	NWNE
		SENE
		NWNW
		SENW

PRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

NESW
SWSW
NESE
SWSE

NWSW
SESW
NWSE
SESE

Wildlife Storage
T40N R03W S04 LOT 2 (NWNE)

Within Latah County

Fire Protection Storage
T40N R03W S04 LOT 2 (NWNE)

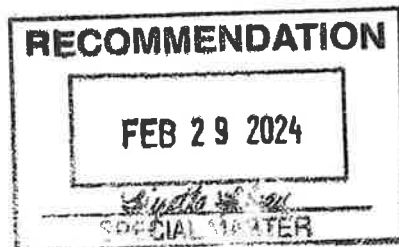
Within Latah County

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.



Eric J. Wildman
Presiding Judge of the
Palouse River Basin Adjudication