

DEPT. OF WATER RESOURCES

JUN 25 2026

Deputy Clerk

WATER RIGHT NO.: 95-4518

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President signing a federal settlement act. As the parties await the approval of Congress and the President, they have agreed on a waiting process. Presiding Judge Eric Wildman issued an order recognizing this approach. Judge Wildman issued an ***Order Adopting Stipulated Process for Effectuating a Settlement*** (Dec. 31, 2025) which recognizes the approval procedures which must take place.

It is therefore understood by the Court and the parties that the ***Special Master's Report and Recommendation*** of these state-based rights are closely related to Consolidated Subcase 91-07755. As a result, it is understood that the adoption of the ***Special Master's Report and Recommendation*** will be subject to finalization of the *Settlement Agreement* by all parties including the United States. Consequently, it is expected that once this ***SMR&R*** is filed, it shall be sent to the Presiding Judge with a recommendation that all further action on these related state-based claims be held or stayed until finalization of the *Settlement Agreement*.

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***.

However, IT IS FURTHER RECOMMENDED THAT NO ACTION SHOULD BE TAKEN ON THIS SUBCASE until the finalization of the *Settlement Agreement* in Consolidated Subcase 91-07755.

DATED: June 25, 2026.


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

In Re CSRBA)
)
Case No. 49576)
_____)

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

Water Right 95-04518

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

JUN 25 2026

NAME AND ADDRESS:

AVISTA CORP
DIR OF ENV AFFAIRS MSC-1
PO BOX 3727
1411 E MISSIONS AVE
SPOKANE, WA 99202

By _____ Clerk

SOURCE:

SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER

Deputy Clerk

QUANTITY:

4250.00 CFS

PRIORITY DATE:

07/01/1907

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses within the State of Idaho with a priority date of, or earlier than, July 25, 2018, diverted upstream from the points of diversion for this right.

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses, except for permits, licenses, or decrees for irrigation storage or power purposes, within the State of Idaho with a priority date later than July 25, 2018, diverted upstream from the points of diversion for this right.

The use of water confirmed in this right shall not be subordinate to permits, licenses, or decrees within the State of Idaho diverted downstream from the points of diversion for this right.

POINT OF DIVERSION:

T50N R05W S03 NWSW Within Kootenai County
SWSW
S04 SENE

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Power	01-01 TO 12-31	4250.00 CFS

Power generation is at the Post Falls Power Plant.

PLACE OF USE:

Power Within Kootenai County
T50N R05W S04 SENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree does not alter, amend, or modify the State of Idaho's Clean Water Act Section 401 Certification or the Federal Energy Regulatory Commission's license No.2545 issued on June 18, 2009 and expiring on June 17, 2059 for the Spokane River Project. This partial decree does not affect any future licensing or relicensing by FERC or any successor that may occur for power generation at Post Falls.

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

JUN 25 2026



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

JUN 25 2026

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): 95-04518

On June 25, 2026, 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 June 25, 2026.


JANET CONNELL
Deputy Clerk

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

JUN 25 2026

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): 95-04518

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 June 25, 2026, with sufficient first-class postage prepaid to the following:

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

AVISTA CORP
AVISTA CORPORATION
Represented by:
CHRIS M BROMLEY
PO BOX 107
BOISE, ID 83701
Phone: 208-287-0991


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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