

DEPT. OF WATER RESOURCES

titled *Stipulated Motion Regarding Process and Request for Special Master's Report and Recommendation*. This *Stipulated Motion* explains that the parties are involved in related litigation in Consolidated Subcase 91-07755 which is before Presiding Judge Eric Wildman. The parties to the consolidated subcase (except the United States) signed the *Coeur d'Alene Tribe Water Rights Settlement Agreement Between the United States, Coeur d'Alene Tribe, State of Idaho and Other Water Users* (Mar. 31, 2026) (hereafter *Settlement Agreement*.) The related consolidated subcase still has a lengthy process to complete before it can be finalized.

Specifically, the United States' approval and execution of the *Settlement Agreement* is contingent on ratification by the U.S. Congress. In addition, U.S. approval is contingent on the 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 95-09119

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 MISSION AVE
SPOKANE, WA 99202

By _____ Clerk

Deputy Clerk

SOURCE:

SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER
COEUR D ALENE LAKE TRIBUTARY: SPOKANE RIVER

QUANTITY:

53338.00 AFY

The quantity identified is to achieve a water surface elevation
at or near 2128 feet and to generate power from storage.

PRIORITY DATE:

05/01/1941

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 Storage	01-01 TO 12-31	53338.00 AFY
Power from Storage	01-01 TO 12-31	53338.00 AFY

Storage of water under this partial decree and the partial decree
for water right no. 95-9115 achieves, stabilizes, and maintains
the lake elevation at or near 2128 feet as early as practicable
each year until the first Tuesday after Labor Day. The water
stored under this right is then released for generating power.
Power generation is at the Post Falls Power Plant.

PLACE OF USE:

Power from Storage 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

OTHER PROVISIONS (continued)

relicensing by FERC or any successor that may occur for power generation at Post Falls.

The lake elevations under this right and water right no. 95-9115 are measured at the USGS Coeur d Alene Lake Gage (12415500) at Coeur d Alene, ID.

This partial decree does not permit trespass or otherwise grant any right-of-way or easement across the land held in trust or restricted fee by the United States for, or otherwise held by, the Coeur d Alene Tribe, its members, or allottees; storage of water upon submerged lands within the boundaries of the Coeur d Alene Reservation is conditioned upon authorization from the Coeur d Alene Tribe. Natural fluctuations in Coeur d Alene Lake do not constitute trespass.

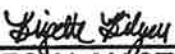
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

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): 95-09119

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): 95-09119

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:

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PAGE 1
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PAGE 7
06/25/26

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