

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

**OCT 01 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<br><br>Case No. 49576<br><br>_____ | )<br>)<br>)<br>)<br>)<br>) | <b>SPECIAL MASTER'S REPORT AND<br/> RECOMMENDATION; FINDINGS OF<br/> FACT AND CONCLUSIONS OF LAW</b><br><br><b>WATER RIGHT NO.: 95-7538</b> |
|--|----------------------------|---|

**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 the City of Post Falls on April 17, 2019. The *Objection* was resolved on August 13, 2020 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

**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: September 30, 2020.

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

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

OCT 01 2020

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 95-07538

By \_\_\_\_\_ Clerk  
\_\_\_\_\_ Deputy Clerk

NAME AND ADDRESS: CITY OF POST FALLS  
408 N SPOKANE ST  
POST FALLS, ID 83854-7538

SOURCE: GROUND WATER

QUANTITY: 0.17 CFS  
7.00 AFY

Right Nos. 95-7538 and 95-17307 are limited to a total combined diversion rate of 0.17 cfs.  
Right Nos. 95-7538, 95-4187, and 95-17307 are limited to a total combined annual diversion volume of 19.00 AF.

PRIORITY DATE: 06/09/1975

POINT OF DIVERSION: T50N R05W S03 LOT 9 (SESW ) Within Kootenai County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|----------------------------|----------------|----------------|----------------------|
|                            | Irrigation     | 04-01 TO 10-01 | 0.17 CFS<br>7.00 AFY |

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: Irrigation Within Kootenai County  
T50N R05W S03 LOT 9 (SESW) 5.8  
5.8 Acres Total

This right is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season. Right Nos. 95-7538, 95-4187, and 95-17307 are limited to the irrigation of a combined total of 5.8 acres in a single irrigation season.

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

The remainder of this right was recommended as 95-4187.  
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).

RECOMMENDATION  
OCT 01 2020  
SPECIAL MASTER

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.

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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

OCT 01 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 )<br>)<br>Case No. 49576 )<br>)<br>_____ ) | NOTICE OF ISSUANCE OF<br>SPECIAL MASTER'S<br>RECOMMENDATION<br><br>Water Right(s): 95-07538 |
|--|---|

On October 01, 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 October 01, 2020.

  
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 JANET CONNELL  
 Deputy Clerk

