

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 21 2019	
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	)	<b>AMENDED SPECIAL MASTER'S</b>
	)	<b>REPORT AND RECOMMENDATION;</b>
Case No. 49576	)	<b>FINDINGS OF FACT AND</b>
	)	<b>CONCLUSIONS OF LAW</b>
	)	
	)	<b>WATER RIGHT NO.: 95-13899</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.


*Objections* were filed on April 29, 2019 by Marina Yacht Club LLC and the United States Bureau of Land Management. The *Objections* were resolved on November 12, 2019 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

A *Special Master's Report and Recommendation* was issued on November 15, 2019. Subsequently, the Court received notice that the recommendation contained a clerical error. The point of diversion should include the following: The point of diversion does not include federal land. The place of use should include the following: The place of use does not included federal land. Therefore, this *Amended Recommendation* only corrects that language.

**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 corrected *Special Master's Recommendation for Partial Decree*.

DATED: November 21, 2019.

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

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

**NOV 21 2019**

By \_\_\_\_\_ *[Signature]* 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 95-13899

NAME AND ADDRESS: MARINA YACHT CLUB LLC  
 C/O HAGADONE HOSPITALITY CO  
 PO BOX 6200  
 COEUR D ALENE, ID 83816

SOURCE: GROUND WATER

QUANTITY: 0.10 CFS

PRIORITY DATE: 07/31/1951

POINT OF DIVERSION: T50N R04W S14 LOT 5 (SWNW ) Within Kootenai County  
 The point of diversion does not include federal land.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Commercial	01-01 TO 12-31	0.10 CFS

Commercial use is for the operation of the Marina Yacht Club LLC.

PLACE OF USE: Commercial Within Kootenai County

T50N R04W S14 LOT 5 (SWNW)	LOT 6 (SENW)
LOT 1 (NESW)	LOT 1 (NWSW)

The place of use does not include federal land.

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

This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.

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**

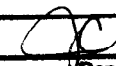
**NOV 21 2019**

*[Signature]*  
**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**

**NOV 21 2019**

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 AMENDED  
 SPECIAL MASTER'S  
 RECOMMENDATION

Water Right(s): 95-13899

On November 21, 2019, 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 November 21, 2019.

  
 \_\_\_\_\_  
 JANET CONNELL  
 Deputy Clerk

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

NOV 21 2019

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): 95-13899

CERTIFICATE OF MAILING

I certify that a true and correct copy of the <sup>AMENDED</sup> 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 November 21, 2019, with sufficient first-class postage prepaid to the following:

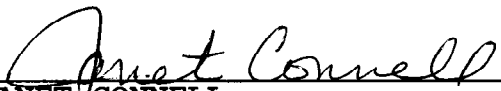
DIRECTOR OF IDWR  
 PO BOX 83720  
 BOISE, ID 83720-0098

MARINA YACHT CLUB LLC  
 Represented by:  
 MAGNUSON, JOHN F  
 1250 N NORTHWOOD CTR CT STE A  
 PO BOX 2350  
 COEUR D ALENE, ID 83816  
 Phone: 208-667-0100

MARINA YACHT CLUB LLC  
 Represented by:  
 NORMAN M SEMANKO  
 PARSONS BEHLE & LATIMER  
 800 WEST MAIN STREET STE 1300  
 BOISE, ID 83702  
 Phone: 208-562-4900

CERTIFICATE OF MAILING

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk