

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

NOV - 6 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**

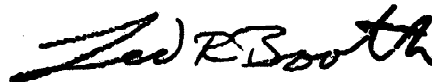
In Re CSRBA) **SPECIAL MASTER'S REPORT**
)
Case No. 49576) **FOR WATER RIGHT 95-16925**
)

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

No objections were filed to the *Director's Report* for this claim. However, during the process of proof-reading the uncontested partial decrees for Basin 95 Part 1, Court staff noticed that the period of use for the Domestic purpose of this right was recommended as "01-01 TO 01-01" (i.e. a one day per year period of use of January 1 to January 1). Further inquiry revealed that the Notice of Claim for the water right submitted to IDWR on September 26, 2014, by Diane Nybo and Tod Nybo listed the claimed period of use for Domestic purpose as: "From 01/01 To 01/01." (Note that the Stockwater portion of the right was claimed as "From 01/01 To 12/31".) Suspecting that the claimed Domestic period of use may be an error or typo, Court staff spoke with Tod Nybo via telephone on August 20, 2019. A notation in the Court file indicates that Mr. Nybo stated he intended to file an amended claim with the department to claim a year 'round domestic period of use. To date, an amended claim has not been filed. A telephonic status conference was held on November 5, 2019. Neither Tod nor Diane Nybo, nor anyone on their behalf, appeared at the telephonic status conference. The Certificate of Mailing in the Court file shows that notice of the status conference was sent to Diane Nybo and Tod Nybo at 10555 E Parks Rd, Athol, ID 83801. Absent the filing of an amended claim by the claimants, neither the Court nor IDWR can take any action to remedy what appears to be an error in the Notice of Claim.

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 95-16925 be **decreed** as with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated November 6, 2019



Theodore R. Booth
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

