

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

JUL 17 2024

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**

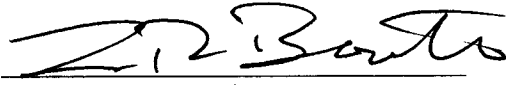
In Re CSRBA) **SPECIAL MASTER’S REPORT**
)
Case No. 49576) **FOR WATER RIGHT 95-02138**
)
 _____)

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.

On July 15, 2019, the claimants of the water right, through their attorney Michael P. Lawrence, filed on objection to the *Director’s Report*. Responses were filed by Daniel Barkley, Melissa Stocking, and Kathryn M. Spackman, though their attorney Norman M. Semanko. On July 11, 2024, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection.

Therefore, based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 95-02138 be **decreed** with the elements as set forth in the attached ***Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)***.

Dated July 19, 2024


 Theodore R. Booth
 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 95-02138

NAME AND ADDRESS: BECKY D NELSON
3120 COOLIDGE DR
BELLINGHAM, WA 98225

SUSAN MARTELL
3208 PLYMOUTH DR
BELLINGHAM, WA 98225

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.27 CFS
116.20 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/09/1961

POINT OF DIVERSION: T52N R04W S25 NWNE Within Kootenai County
NENE
NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.27 CFS 115.00 AFY
	Domestic	01-01 TO 12-31	0.03 CFS 1.20 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 November 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. Domestic use is for 1 home.

PLACE OF USE: Irrigation Within Kootenai County
T52N R04W S25 NWNE 21.0 NWNE 12.0
33.0 Acres Total

Domestic Within Kootenai County
T52N R04W S25 NWNE

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

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
JUL 19 2024
Lee R. Booth
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

JUL 19 2024

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

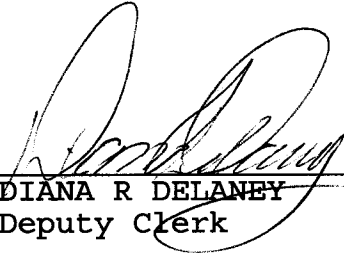
Water Right(s) : 95-02138

On July 19, 2024, Special Master THEODORE R. BOOTH 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 July 19, 2024.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 19 2024	
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)
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CERTIFICATE OF MAILING

Water Right(s): 95-02138

CERTIFICATE OF MAILING

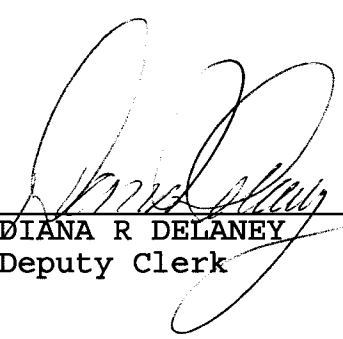
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 19, 2024, with sufficient first-class postage prepaid to the following:

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

BECKY D NELSON
 SUSAN MARTELL
 Represented by:
 MICHAEL P LAWRENCE
 601 W BANNOCK ST
 PO BOX 2720
 BOISE, ID 83701-2720
 Phone: 208-388-1200

DANIEL A & STOCKING BARKLEY
KATHRYN M SPACKMAN

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



DIANA R DELANEY
Deputy Clerk