

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 AND**
) **RECOMMENDATION; DISALLOWING**
) **SUBCASE NUMBERS; FINDINGS OF FACT**
) **AND CONCLUSIONS OF LAW**
Case No. 49576)
) **WATER RIGHT NOS.:** (Original 6 subcases, 91-
) 7729 et. al., *See Exhibit 1*; Subcases from Surface
) Water Fire Suppression, 91-7931 et. al., *See Exhibit*
) *2*; Subcases from Surface Water Administrative, 91-
) 7963 et. al., *See Exhibit 3*)

I. FINDINGS OF FACT

Claims were filed for these water rights by the United States Department of Agriculture Forest Service (“Forest Service”) for federal reserved water rights in the Idaho Panhandle National Forests and the Nez Perce Clearwater National Forest. The elements of these rights were reported by the Idaho Department of Water Resources in abstracts of the notices of claim.

II. PROCEDURAL BACKGROUND

Originally, the Forest Service filed a total of six claims (91-7729, 92-10890, 92-10891, 93-7433, 94-9133, and 95-16527) for these forests. After the United States filed Amended Claims for the federal reserved water rights, these original six subcase numbers were not utilized.


In 2018, the United States Amended Claims expanded the Forest Service claims from six subcases to 259 subcases. The parties eventually reached an agreement on these Forest Service claims which involved reconfiguring the 259 water rights by splitting them into 510 subcases for Surface Water Fire Suppression, 510 Subcases for Surface Water National Forest Administration, 36 subcases for Ground Water Fire Suppression, 36 subcases for Ground Water National Forest Administration, and 5 subcases for Future Administrative sites. This resulted in a total of 1097 subcases.

However, as a result of the final reconfiguration of subcases, several subcase numbers which had previously been used were not included in the final 1097 recommended subcases. Therefore, this *Master's Report and Recommendation* recommends the disallowance of the original six subcase numbers and the additional subcase numbers which were not used in the final 1097 water rights. The disallowed subcases include the original six subcases (*Exhibit 1*), a group of subcases from Group 1 Surface Water Fire Suppression (*Exhibit 2*), and a group of subcases from Group 2 Surface Water Administration (*Exhibit 3*). Thus, the subcase numbers on the attached *Exhibits 1, 2, and 3* were not utilized and are therefore disallowed.

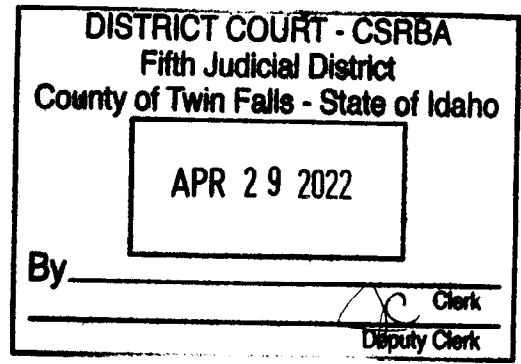
III. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be **disallowed** as set forth in the *Special Master's Recommendation* posted on the Court's web site at www.srba.idaho.gov/CSRBA25.HTM, and as stipulated to by all parties.

DATED: April 29, 2022.



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))))) _____)	NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION Water Right (s): 91-7729, et.al, (Exh. 1) 91-7931, et.al., (Exh. 2) and 91-7963 et.al., (Exh. 3)
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On April 29, 2022 Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase (s) pursuant to CSRBA Administrative Order 1 (AO1), Section 18a.

Pursuant to CSRBA Administrative Order 1, 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: April 29, 2022.



 Janet Connell
 Assistant to Special Master

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW was mailed on April 29, 2022, with sufficient first-class postage to the following:

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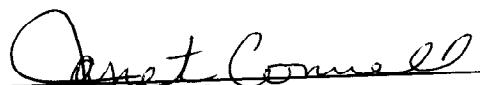

Deputy Clerk

EXHIBIT 1 - DISALLOW ORIGINAL SIX

Subcase Nos:

91-07729
92-10890
92-10891
93-07433
94-09133
95-16527

(Subcase list: FSORIGSIX)
4/29/22

EXH 2- DISALLOW GRP 1 SURF WAT FIRE SUPP

Subcase Nos:

91-07931	94-09527
91-07933	94-09528
91-07935	94-09529
91-07936	94-09530
91-07937	94-09531
91-07938	94-09532
91-07942	94-09533
91-07943	94-09534
91-07945	94-09535
91-07946	94-09537
91-07947	94-09539
91-07948	94-09541
91-07949	94-09542
91-07950	94-09543
91-07951	94-09544
91-07952	94-09545
91-07953	94-09546
91-07954	95-17393
91-07955	95-17394
91-07956	95-17395
91-07958	95-17396
91-07959	95-17397
91-07960	95-17398
91-07961	95-17399
91-07962	95-17400
92-11058	95-17401
92-11059	95-17403
92-11060	
92-11061	
92-11062	
92-11063	
92-11064	
92-11078	
92-11079	
93-07671	
94-09511	
94-09512	
94-09514	
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94-09519	
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94-09521	
94-09522	
94-09523	
94-09524	
94-09525	
94-09526	

(Subcase list: FSDISG1)
4/29/22

EXH 3-DISALLOW GRP 2 SURFACE WATER ADMIN

Subcase Nos:

91-07963	94-09563
91-07965	94-09564
91-07967	94-09565
91-07968	94-09566
91-07969	94-09567
91-07970	94-09568
91-07974	94-09569
91-07975	94-09570
91-07977	94-09571
91-07978	94-09573
91-07979	94-09575
91-07980	94-09577
91-07981	94-09578
91-07982	94-09579
91-07983	94-09580
91-07984	94-09581
91-07985	94-09582
91-07986	95-17404
91-07987	95-17405
91-07988	95-17406
91-07990	95-17407
91-07991	95-17408
91-07992	95-17409
91-07993	95-17410
91-07994	95-17411
92-11067	95-17412
92-11068	95-17414
92-11069	
92-11070	
92-11071	
92-11072	
92-11073	
92-11080	
92-11081	
93-07672	
94-09547	
94-09548	
94-09550	
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94-09560	
94-09561	
94-09562	

(Subcase list: FSDISG2)
4/29/22