

JUN 25 2026

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

OC  
Deputy Clerk

In Re CSRBA )  
 )  
Case No. 49576 )  
 )  
 )  
 )  
 )  
 )  
\_\_\_\_\_ )

**SPECIAL MASTER’S REPORT AND  
RECOMMENDATION; FINDINGS OF  
FACT AND CONCLUSIONS OF LAW**

**WATER RIGHT NO.: 95-2067**

**I. BACKGROUND/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 State of Idaho, Office of the Governor on April 30, 2019. The *Objection* was resolved on September 1, 2023, with the filing of a *Standard Form 5*. All parties to the subcase and IDWR were signatories to the *Standard Form 5*. A second *Standard Form 5* was filed on April 23, 2026. It is this second *SF5* that is the basis for this ***Special Master’s Report and Recommendation***.

**A. 2023 SF5s**

After the filing of the 2023 *SF5*, the Coeur d’Alene tribe and the United States as trustee expressed disagreement with the elements contained in the *SF5*. The Tribe and the U.S. were not parties to the subcase and are currently movants in the subcase.

Subsequently on September 7, 2023, the United States and the Coeur d’Alene Tribe filed a *Joint Motion to Participate and for an Order Treating the SF5s as Amended Claims*. After hearing, the Court held that the 2023 *SF5s* for both Avista’s and the Governor’s state-based rights went beyond what was claimed or reported in the *Director’s Reports*. Consequently, those changes required Docket Sheet Notice. ***Order on Standard Form 5s*** (Jan. 30, 2024).

**B. 2026 SF5s**

A second *Standard Form 5* settlement agreement was filed on April 23, 2026. All parties to the subcase and IDWR are signatories to the second *SF5*. In addition, the parties filed a document

titled *Stipulated Motion Regarding Process and Request for Special Master's Report and Recommendation*. This *Stipulated Motion* explains that the parties are involved in related litigation in Consolidated Subcase 91-07755 which is before Presiding Judge Eric Wildman. The parties to the consolidated subcase (except the United States) signed the *Coeur d'Alene Tribe Water Rights Settlement Agreement Between the United States, Coeur d'Alene Tribe, State of Idaho and Other Water Users* (Mar. 31, 2026) (hereafter *Settlement Agreement*). The related consolidated subcase still has a lengthy process to complete before it can be finalized.


Specifically, the United States' approval and execution of the *Settlement Agreement* is contingent on ratification by the U.S. Congress. In addition, U.S. approval is contingent on the President signing a federal settlement act. As the parties await the approval of Congress and the President, they have agreed on a waiting process. Presiding Judge Eric Wildman issued an order recognizing this approach. Judge Wildman issued an *Order Adopting Stipulated Process for Effectuating a Settlement* (Dec. 31, 2025) which recognizes the approval procedures which must take place.

It is therefore understood by the Court and the parties that the *Special Master's Report and Recommendation* of these state-based rights are closely related to Consolidated Subcase 91-07755. As a result, it is understood that the adoption of the *Special Master's Report and Recommendation* will be subject to finalization of the *Settlement Agreement* by all parties including the United States. Consequently, it is expected that once this *SMR&R* is filed, it shall be sent to the Presiding Judge with a recommendation that all further action on these related state-based claims be held or stayed until finalization of the *Settlement Agreement*.

## 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*. However, IT IS FURTHER RECOMMENDED THAT NO ACTION SHOULD BE TAKEN ON THIS SUBCASE until the finalization of the *Settlement Agreement* in Consolidated Subcase 91-07755.

DATED: June 25, 2026.

  
\_\_\_\_\_  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 49576 )  
 )  
 ) Water Right 95-02067

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

JUN 25 2026

NAME AND ADDRESS: STATE OF IDAHO  
OFFICE OF THE GOVERNOR  
STATEHOUSE  
BOISE, ID 83720

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

SOURCE: COEUR D ALENE LAKE TRIBUTARY: SPOKANE RIVER

QUANTITY: 1000000.00 AFY

The quantity of water for this right is the amount necessary to maintain the elevation of Coeur d Alene Lake not higher than the normal high water stage and not lower than the natural low water stage at any season of the year. The normal high water stage is approximately 2130 feet above mean sea level (MSL). The natural low water stage is approximately 2118 feet above MSL. The elevation of the lake is measured at the USGS Coeur d Alene Lake Gage (12415500) at Coeur d Alene, ID.

PRIORITY DATE: 01/24/1927

The right for the use of water confirmed in this right shall be junior and subordinate to all water rights and permits within the State of Idaho that are initiated later in time than the priority date of this right, except for irrigation storage and power purposes. This right shall not give rise to any right or claim against any future rights for the use of water within the State of Idaho initiated later in time than the priority date of this right, except for irrigation storage and power purposes.

POINT OF DIVERSION: T50N R04W S14 NESW Within Kootenai County

The point of diversion is the outlet of Coeur d Alene Lake.

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE     | PERIOD OF USE  | QUANTITY       |
|----------------|--------------------|----------------|----------------|
|                | Aesthetic Storage  | 01-01 TO 12-31 | 1000000.00 AFY |
|                | Recreation Storage | 01-01 TO 12-31 | 1000000.00 AFY |

The purpose of this right is to protect and preserve Coeur d Alene Lake in its near natural condition for scenic beauty, health, recreation, transportation, and other commercial purposes necessary and desirable for all the inhabitants of the State of Idaho.

PLACE OF USE:

The place of use for this water right is within Coeur d Alene Lake.

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

The name State of Idaho, Office of the Governor, appears in the Name and Address sections of this right. However, as a matter of Idaho law, the Governor of the State of Idaho acts on behalf of the People of Idaho, the beneficiaries of this water right. This partial decree does not alter, amend, or modify the Federal Energy Regulatory Commission ("FERC") License No. 2545 for the Spokane River Project issued on June 18, 2009 and expiring on June 17, 2059.

OTHER PROVISIONS (continued)

This partial decree does not affect any future licensing or relicensing by FERC or any successor that may occur for power generation at Post Falls.

This partial decree does not permit trespass or otherwise grant any right-of-way or easement across the land of another. Natural fluctuation in Coeur d Alene Lake do not constitute trespass. Nothing in this partial decree shall be construed or interpreted to limit, diminish, modify, or enlarge any adjudicatory, regulatory, or legislative jurisdiction of the State of Idaho.

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

JUN 25 2026

  
SPECIAL MASTER

Eric J. Wildman  
Presiding Judge of the  
Coeur d'Alene-Spokane River Adjudication





AVISTA CORPORATION

Represented by:  
CHRIS M BROMLEY  
PO BOX 107  
BOISE, ID 83701  
Phone: 208-287-0991

COEUR D'ALENE TRIBE

Represented by:  
DYLAN HEDDEN-NICELEY  
1075 SADDLE RIDGE RD  
MOSCOW, ID 83843  
Phone: 208-863-0341

COEUR D'ALENE TRIBE

Represented by:  
ERIC VAN ORDEN  
850 A STREET  
PO BOX 408  
PLUMMER, ID 83851  
Phone: 208-686-1800

ALAN LITTLEJOHN  
ALFRED SICHLINGER  
ANNIKA CHATFIELD-DIETRICH  
ARLISS BLALACK  
AUDREY ANDERSEN  
BARBARA HARPOLE  
BARNEY LAYTON  
BEN RADFORD  
BERNARD & DAWN WEBER  
BETTY HANCOCK  
BEVERLY & FLOYD KLEIN  
BILL L CONNER  
BLACK BEAR WATER ASSN  
BLUE WOLF COMMUNITY CLUB  
BONNIE (ELEANOR Y) DONOHOE  
BONNIE DOOSE  
BRUCE & CAROL MADDUX  
BRUCE CYR  
CARL BLALACK  
CARL COCHRANE  
CARL W ANDERSON  
CARLA WOEMPNER  
CAROL CLARK  
CAROL FELT BROWNING  
CHERYL PRUEHER  
CINDY COOPER  
CLYDE H SHEPPARD  
CONNIE L HASZ  
CROWS NEST WATER ASSN  
DALE HERBOLDT  
DANIEL G REMMICK  
DARBY G DONOHOE  
DAREN & JANET LABOLLE  
DAREN LABOLLE  
DARLA NOEL-WESSEL  
DAVID & JANET WEINGART  
DAVID & JILL CHRISTIANSEN  
DAVID & KATHY MCDANIEL  
DAVID "BRAD" & MARY CORKILL  
DAVID SHERIDAN  
DEAN & GLENDA GENTRY  
DENNIS BACKUS  
DERALD MOYER  
DIANNE ANDERSON  
DICK & CAROLE HARWOOD  
DON & MARTHA VAIL  
DON H SHERFEY  
DONALD & CHRISTINE MCCA  
DONALD SUTTON  
DOUG LUCHINI

CERTIFICATE OF MAILING

PAGE 3  
06/25/26

DOUGLAS & KRISTI PAYNE  
DWAYNE LAYTON  
EDMOND & JANET FERREL  
EDWARD & CANDACE ANDERSON  
ELIZABETH ROBERTS  
ERIC & SUSAN SKIDMORE  
ERNEST & MYRA ECKLUND  
FLORENCE FARBER  
FRANK FRUTCHEY  
FRED & MARCY HASZ  
GALE BRIGGS  
GARY & PATRICIA MITCHELL  
GARY JOHNSON  
GARY MITCHELL  
GARY WEEKS  
GENE L & WESLEY L WARREN  
GENE WEBB  
GIANOTTI TRUST DTD 1991  
GINA SUTTON  
GLENNIE & ELIZABETH RENNER  
GORDON SANDERS  
GREG DELAVAN  
HAGADONE HOSPITALITY CO  
HARMONY PROPERTY OWNERS ASSN

Represented by:

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

HARRY GRUBHAM  
HELEN JACQUEMIN  
HERMAN FRITZ  
HISAYA & DOROTHY TAKASHINA  
J RACHAEL JOHNSON  
JACK & ELEANOR BUELL  
JAIDA LEVINE  
JAKAR VENTRIS LLC  
JAMES & MOLLY DOLLIVER  
JAMES & VICTORIA FURTH  
JANET BRIGGS  
JEAN DOHRMAN  
JED RODGERS  
JEFF & DEDE SHIPPY  
JEFF FUNK  
JEFF TYLER  
JEREMIE FIGUEROA  
JODI POWELL  
JOEL & CINDY NEWSON  
JOHANNA RENNER  
JOHN & AGNES MCFADDIN  
JOHN & MICHELLE MCMAHON  
JOHN & SHIRLEY FERRIS  
JOHN BOOTHE  
JOHN M MARSAN  
JOHN NEIRINCKX  
JOHN NEIRINCKX II  
JOHN R KRAACK  
JORDON REDMAN  
JOSEPH RUSH  
JOYCE D & CHARLES R STOCK  
JOYCE MORDEN  
JULIE DAY  
KATHRYN KAHN  
KATHY JORDAN  
KAYE A MAINSEY  
KEITH KLEINKHECHT  
KEN & AILEEN ZAKEN  
KEN & YVONNE DEVRIES  
KEVIN & SHANNON SIMONSEN  
KEVIN & TIFFANY RENNER  
KEVIN COLEMAN  
KIM LISS  
LANCE & J. MICHELE MCDANIEL  
LANCE M JORDAN  
LARRY & SUSAN SOTIN  
LARRY DONAHOE  
LARRY LEHTOLA  
LELAND & DANIELLE BOLDT  
LES VAWTER

CERTIFICATE OF MAILING

LINDA ALLDREDGE  
LINDA LITTLEJOHN  
LINDA RIDER  
LOIS TUEL  
MARGARET SHERIDAN  
MARK P KROPF  
MARSHA J STEWART  
MARTHA GREEN  
MARVIN & MARYANNE WHEELER  
MICHAEL D HIGBEE  
MICHAEL R MAEHLER  
MIGUEL CABEZA  
MIKE & TINA KUHNLINE  
MULLAN SCHOOL #392  
NANCY KLEINKHECHT  
NAOMI ANDERSON  
NEIL & NANCY STROM  
NONA BRUNS  
NORMAN CARROLL  
NORMAN MC CALL  
PAM SECORD FOR OCEANWOODS  
PATRICE HARTEL  
PATRICIA & KENNETH RENNER  
PATRICIA LOZANO

Represented by:

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

PATRICIA MITCHELL  
PATRICK & ANNETTE PETRIE  
PAUL & COLLEEN SMITH  
PAUL MURRAY  
PAUL SEGSWORTH  
PEGGY TIMKEN  
PERRY ANDERSON  
PHILLIP GRAVES  
PHILLIP LEVINE  
R EARL ANDERSEN  
RALPH & BETH BANDEROB  
RALPH KAHN  
RANDY WILSON  
RASOR FAMILY PROPERTY  
RICHARD J CLEMSON  
RICHARD L POWELL  
RICK & HOLLY DAY  
RICKEY DUNN  
ROBERT & DIANNA BOSTROM  
ROBERT & GAIL SHORT  
ROBERT & JULIE GRUNZWEIG  
ROBERT & NORMA WHITE  
ROBERT & PATTY ANDERSON  
ROBERT ELLIS  
ROBERT POWELL  
ROBERT RIDER  
ROBIN & LESLEE STANLEY  
RODERICK & BETH HALVORSON  
RON MENDIVE  
RON WOOD  
RONALD & SHERLENE MENDIVE  
ROSIE LAYTON  
ROY & LINDA MICHAEL  
ROY MORTENSEN  
RUSSEL & MARILYN TANNER  
RUSSEL DONOHOE  
SERENA LUCAS  
SHARON & FRED SMITH  
SHEILA M HOLM  
SHIRLEY MARSAN  
STANLEY J HARRISON  
STEPHEN MATTHEWS  
STEVE ADDINGTON  
STEVE THOMSON  
STEVEN M LISS  
SUSAN E DREDGE  
SUSAN RODGERS  
SUTHERLAND FAMILY REVOCABLE  
TERRY & WILMA MURRAY  
TERRY BURGER

CERTIFICATE OF MAILING

PAGE 7  
06/25/26

TERRY L WALL  
THOMAS F DUNNIGAN  
THOMAS G & MARY M CARVER  
THOMAS M PATRICK REVOCABLE  
TIM DAY  
TIM SHANNON  
TOM & EILEEN DUHAMEL  
TOM LUCAS  
TROY FRANCIS  
VERLAND WOEMPNER  
VIC & RITA BRODIE  
VICKI CARROLL  
VICKI HENDRICK & SAM OWEN  
WARREN HALL  
WEBER FARMS  
WENDY JACQUEMIN  
WESLEY & LINDA JORDAN  
WILLIAM & GRETCHEN HARRISON  
WILLIAM & NANCY MCANINCH  
WILLIAM K HASZ  
WILLIAM WHITE

Represented by:

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

STATE OF IDAHO

Represented by:


STATE OF IDAHO  
PO BOX 83720  
BOISE, ID 83720-0010  
Phone: 208-334-2400

UNITED STATES OF AMERICA

Represented by:

U S DEPARTMENT OF JUSTICE  
ENVIRO & NAT'L RESOURCES DIV  
PO BOX 7611  
BEN FRANKLIN STATION  
WASHINGTON, DC 20044-7611

COEUR D'ALENE TRIBE  
Represented by:  
VANESSA L RAY-HODGE  
9900 SW WILSHIRE STREET  
SUITE 240  
PORTLAND, OR 97225  
Phone: 505-573-8446

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