

JUN 25 2026

By _____
Clerk
OC
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)
_____)

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

WATER RIGHT NO.: 95-8003

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.

An *Objection* was filed by Avista Corporation 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 are signatories to the *Standard Form 5*. Subsequently, 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*.

At a hearing on June 3, 2026, the parties explained that this subcase is closely related to Avista’s state-based subcases 95-9115 and 95-9119. Those subcases are closely related to litigation in Consolidated subcase 91-07755. In the Consolidated subcase, the parties filed a document titled *Stipulated Proposed Process for Effectuating a Settlement Agreement*. This *Stipulation* explains that the parties are involved in 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 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.

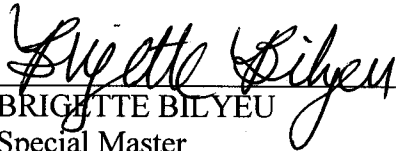
It is therefore understood by the Court and the parties that the ***Special Master's Report and Recommendation*** of these state-based rights are closely related to Consolidated Subcase 91-07755. As a result, it is understood that the adoption of the ***Special Master's Report and Recommendation*** will 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.



BRIGITTE 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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 95-08003

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

JUN 25 2026

NAME AND ADDRESS: AVISTA CORP
DIR OF ENV AFFAIRS MSC-1
PO BOX 3727
1411 E MISSION AVE
SPOKANE, WA 99202

By _____
Clerk
QC
Deputy Clerk

SOURCE: SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1150.00 CFS

PRIORITY DATE: 03/17/1980

The rights for the use of water confirmed in this right shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION: T50N R05W S03 NWSW Within Kootenai County
SWSW
S04 SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Power	01-01 TO 12-31	1150.00 CFS

Power generation is at the Post Falls Power Plant.
Use of water under this right shall be non-consumptive.

PLACE OF USE: Power Within Kootenai County
T50N R05W S04 SENE

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

The diversion and use of water for hydropower purposes under this right is subject to review by the Director after the date of expiration of the license issued by the Federal Energy Regulatory Commission for Project No. 2545-004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This partial decree does not alter, amend, or modify the State of Idaho's Clean Water Act Section 401 Certification or the Federal Energy Regulatory Commission's license No. 2545 issued on June 18, 2009 and expiring on June 17, 2059 for the Spokane River Project. 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 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

Lizette Lidyay

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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CERTIFICATE OF MAILING

Water Right(s) : 95-08003

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 June 25, 2026, with sufficient first-class postage prepaid to the following:

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

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

Janet Connell

JANET CONNELL
Deputy Clerk