

JUN 25 2026

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 )  
\_\_\_\_\_ )

**SPECIAL MASTER’S REPORT AND  
RECOMMENDATION; FINDINGS OF  
FACT AND CONCLUSIONS OF LAW**  
**WATER RIGHT NO.: 95-9115**

**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 Avista Corporation, and the State of Idaho on April 30, 2019. The *Objections* were 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.

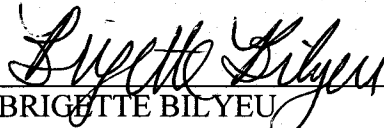
Specifically, the United States' approval and execution of the *Settlement Agreement* is contingent on ratification by the U.S. Congress. In addition, U.S. approval is contingent on the President signing a federal settlement act. As the parties await the approval of Congress and the President, they have 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 95-09115

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

SOURCE: SPOKANE RIVER TRIBUTARY: COLUMBIA RIVER  
COEUR D ALENE LAKE TRIBUTARY: SPOKANE RIVER

QUANTITY: 213354.00 AFY

The quantity identified is to achieve a water surface elevation at or near 2126.5 feet to generate power from storage.

PRIORITY DATE: 07/02/1907

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses within the State of Idaho with a priority date of, or earlier than, July 25, 2018, diverted upstream from the points of diversion for this right.

The use of water confirmed in this right shall be junior and subordinate to permits, licenses, or decrees for all uses, except for permits, licenses, or decrees for irrigation storage or power purposes, within the State of Idaho with a priority date later than July 25, 2018, diverted upstream from the points of diversion for this right.

The use of water confirmed in this right shall not be subordinate to permits, licenses, or decrees within the State of Idaho diverted downstream from the points of diversion for 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 Storage	01-01 TO 12-31	213354.00 AFY
	Power from Storage	01-01 TO 12-31	213354.00 AFY

Storage of water under this partial decree and the partial decree for water right no. 95-9119 achieves, stabilizes, and maintains the lake elevation at or near 2128 feet as early as practicable each year until the first Tuesday after Labor Day. The water stored under this right is then released for generating power. Power generation is at the Post Falls Power Plant.

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

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

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

OTHER PROVISIONS (continued)

relicensing by FERC or any successor that may occur for power generation at Post Falls.

The lake elevations under this right and water right no. 95-9119 are measured at the USGS Coeur d Alene Lake Gage (12415500) at Coeur d Alene, ID.

This partial decree does not permit trespass or otherwise grant any right-of-way or easement across the land held in trust or restricted fee by the United States for, or otherwise held by, the Coeur d Alene Tribe, its members, or allottees; storage of water upon submerged lands within the boundaries of the Coeur d Alene Reservation is conditioned upon authorization from the Coeur d Alene Tribe. Natural fluctuations in Coeur d Alene Lake do not constitute trespass.

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





ALAN LITTLEJOHN

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