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DEC 02 2015

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
DEC 01 2015	
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 AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 49576	)	FACT AND CONCLUSIONS OF LAW
	)	
_____	)	WATER RIGHT NO.: 92-7208

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 the State of Idaho on May 7, 2015. The *Objection* was resolved on November 30, 2015 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

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*.

DATED: December 1, 2015.



BRIGETTE BILYEU
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

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

DEC 01 2015

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
_____) Water Right 92-07208

NAME AND ADDRESS: EMERALD CREEK GARNET LTD
PO BOX 190
FERNWOOD, ID 83830-0190

SOURCE: EMERALD CREEK TRIBUTARY: ST MARIES RIVER
EAST FORK EMERALD CREEK TRIBUTARY: EMERALD CREEK
WEST FORK EMERALD CREEK TRIBUTARY: EMERALD CREEK
UNNAMED STREAM TRIBUTARY: WEST FORK EMERALD CREEK
WILLOW CREEK TRIBUTARY: SINKS

QUANTITY: 2.23 CFS
24.00 AFY

Water shall not be diverted under this right when flows in the
St. Maries River are below established minimum flow amounts.
The right holder shall be responsible for monitoring the daily
flow of the St. Maries River near Santa using real-time data
published on the internet by the U.S. Geological Survey and
shall cease diverting water when flows in the St. Maries are
below established minimum instream flow amounts.

PRIORITY DATE: 05/02/1994

POINT OF DIVERSION:	T43N R01E S22 S27	SESW SWSW SENW NENW SESW NESW SNNW NWSW NWNW	Within Shoshone County
	S28	SENE NESE SESE NENE	Within Benewah County
	S33	NWSE NESE	
	S34	NWSW SNNW	

A fish screen of 1/4 inch or smaller mesh shall be installed and
maintained at the point of diversion.
The approach velocity at the point of diversion shall not exceed
0.5 feet per second.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Mining	PERIOD OF USE 01-01 TO 12-31	QUANTITY 2.23 CFS 24.00 AFY
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The maximum duration of diversion period authorized under this
right is limited to 5 hours in two weeks.
This right authorizes no more than one diversion period per
washer per 30-day period, or one diversion period per washer per
calendar month.

PLACE OF USE: Mining Within Shoshone County

PLACE OF USE (continued)

T43N R01E S22	SESW	SWSE
S27	NWNE	SWNE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NWSE	SWSE
		Within Benewah County
S28	NENE	SENE
	NESE	SESE
S33	NESW	NESE
	NWSE	
		Within Shoshone County
S34	SWNW	NWSW

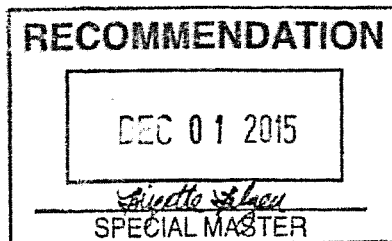
Under this right, the land application of water is limited to the reclamation of land directly affected as a result of being mined and is not to exceed a total of 26 acres annually within the place of use described above for mining.

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.



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

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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
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 92-07208

On December 01, 2015, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, 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 December 01, 2015.


JANET CONNELL
Deputy Clerk

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 92-07208

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 December 01, 2015, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
STATE OF IDAHO
700 W JEFFERSON, RM 210
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

EMERALD CREEK GARNET LTD
PO BOX 190
FERNWOOD, ID 83830-0190
Phone: 208-245-2096

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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12/01/15

