

DEPARTMENT OF
WATER RESOURCES

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

FEB 26 2016

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(S).: 91-7884

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.

Objections were filed by USDA Forest Service and State of Idaho. The *Objections* were resolved on February 16, 2016 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: February 26, 2016.

BRIGETTE BILYEU
Special Master

Special Master

Coeur d'Alene-Spokane River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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 91-07884

NAME AND ADDRESS: JACKSON TIMBERLAND
OPPORTUNITIES TRISTAR LLC
654 N STATE ST
JACKSON, MS 39202

SOURCE: BAD LUCK CREEK TRIBUTARY: EAST FORK BLUFF CREEK

QUANTITY: 0.20 CFS

The quantity of water under this right for industrial use shall not exceed 0.20 acre-feet per day from a single watercourse.

PRIORITY DATE: 07/25/1954

POINT OF DIVERSION: T44N R07E S25 NWNW Within Shoshone County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	03-01 TO 12-01	0.20 CFS
	Fire Protection	03-01 TO 12-01	0.20 CFS

Industrial use is for forest practices and forest dust abatement as provided for by Section 42-201, Idaho Code.

PLACE OF USE:

Industrial Within Shoshone County

T43N R07E S01	LOT 1	(NENE)	LOT 2	(NWNE)
		SWNE		SENE
	LOT 3	(NENW)	LOT 4	(NWNW)
		SWNW		SENW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
S04	LOT 1	(NENE)	LOT 2	(NWNE)
		SWNE		SENE
	LOT 3	(NENW)	LOT 4	(NWNW)
		SWNW		SENW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
S05	LOT 1	(NENE)	LOT 2	(NWNE)
		SWNE		SENE
	LOT 3	(NENW)	LOT 4	(NWNW)
		SWNW		SENW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
T44N R07E S23		NENE		NWNE
		SWNE		SENE
		NENW		NWNW
		SWNW		SENW
		NESW		NWSW
		SWSW		SESW
		NESE		NWSE
		SWSE		SESE
S24		NENE		NWNE

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CSRBA -Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S25	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S26	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S27	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S33	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S34	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S35	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S36	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
R08E S30 LOT 4	(SWSW)	SESW

PLACE OF USE (continued)

S31	NENW	LOT 1	(NWNW)
LOT 2	(SWNW)		SENW
Fire Protection		Within Shoshone County	
T43N R07E S01	LOT 1	(NENE)	LOT 2
		SWNE	(NWNE)
	LOT 3	(NENW)	SENE
		SWNW	(NWNW)
		NESW	SENW
		SWSW	NWSW
		NESE	SESW
		SWSE	NWSE
S04	LOT 1	(NENE)	SESE
		SWNE	LOT 2
	LOT 3	(NENW)	(NWNE)
		SWNW	SENE
		NESW	(NWNW)
		SWSW	SENW
		NESE	NWSW
		SWSE	SESW
S05	LOT 1	(NENE)	NWSE
		SWNE	SESE
	LOT 3	(NENW)	LOT 2
		SWNW	(NWNE)
		NESW	SENE
		SWSW	(NWNW)
		NESE	SENW
		SWSE	NWSW
T44N R07E S23		NENE	SESW
		SWNE	NWSE
		NENW	SESE
		SWNW	NWNE
		NESW	SENE
		SWSW	NWNW
		NESE	SENW
		SWSE	NWSW
S24		NENE	SESW
		SWNE	NWSE
		NENW	SESE
		SWNW	NWNE
		NESW	SENE
		SWSW	NWNW
		NESE	SENW
		SWSE	NWSW
S25		NENE	SESW
		SWNE	NWSE
		NENW	SESE
		SWNW	NWNE
		NESW	SENE
		SWSW	NWNW
		NESE	SENW
		SWSE	NWSW
S26		NENE	SESW
		SWNE	NWSE
		NENW	SESE
		SWNW	NWNE
		NESW	SENE
		SWSW	NWNW
		NESE	SENW
		SWSE	NWSW
S27		NENE	SESW
		SWNE	NWSE
		NENW	SESE
		SWNW	NWNE
		NESW	SENE
		SWSW	NWNW
		NESE	SENW
		SWSE	NWSW

PLACE OF USE (continued)

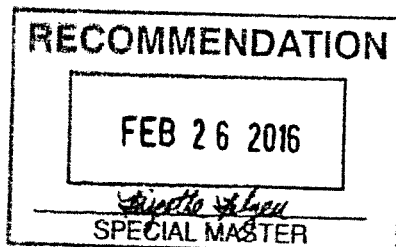
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S33	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S34	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S35	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
S36	NENE	NWNE
	SWNE	SENE
	NENW	NWNW
	SWNW	SENW
	NESW	NWSW
	SWSW	SESW
	NESE	NWSE
	SWSE	SESE
ROBE S30 LOT 4	(SWSW)	SESW
S31	NENW	LOT 1 (NWNW)
LOT 2	(SWNW)	SENW

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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FEB 29 2016

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 26 2016
By _____

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): 91-07884

On February 26, 2016, 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 February 26, 2016.



JANET CONNELL
Deputy Clerk

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FEB 29 2016

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 26 2016
By _____ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 91-07884

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 February 26, 2016, with sufficient first-class postage prepaid to the following:

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

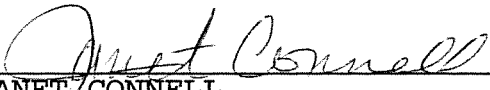
STATE OF IDAHO
Represented by:
CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400

JACKSON TIMBERLAND
Represented by:
MICHAEL A EALY
700 NORTHWEST BLVD
PO BOX 1336
COEUR D'ALENE, ID 83816-1336
Phone: 208-664-5818

CERTIFICATE OF MAILING

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02/26/16

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



JANET CONNELL
Deputy Clerk