

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

DEC - 1 2016

By _____ Clerk
DISTRICT OF THE _____
OF TWIN FALLS _____ Deputy Clerk

By _____ Clerk
 _____ District of the
 _____ of Twin Falls Deputy Clerk

In Re CSRBA) SPECIAL MASTER'S REPORT
Case No. 49576) FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOR WATER RIGHT 94-08407

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On May 13, 2016, the West Shoshone Hospital District No. 1 filed an objection to the *Director's Report*. On October 31, 2016, IDWR filed an *Amended Director's Report* for the claim. No objections were filed to the *Amended Director's Report* and the time for filing objections has expired. Accordingly, there are no outstanding objections to the *Amended Director's Report* for this water right claim.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 94-08407 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated December 1, 2016.


THEODORE R BOOTH
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

DISTRICT COURT - CSRBA
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In Re CSRBA
Case No. 49576

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

Water Right 94-08407

NAME AND ADDRESS:
WEST SHOSHONE HOSPITAL
DISTRICT #1
25 JACOBS GULCH RD
KELLOGG, ID 83837

SOURCE:
JACKASS CREEK
TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY:
0.14 CFS

Right Nos. 94-4061 and 94-8407 are limited to a total combined storage volume of 1.0 AF.
The capacity of the storage reservoir is 1.0 AF. The reservoir may be refilled multiple times in a single year.

PRIORITY DATE:
06/15/1958

POINT OF DIVERSION:
T49N R03E S30 LOT 6 (SWSE) Within Shoshone County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Industrial	01-01 TO 12-31	0.07 CFS
Industrial Storage	01-01 TO 12-31	1.00 AFY
Industrial from Storage	01-01 TO 12-31	1.00 AFY
Irrigation	04-01 TO 10-31	0.07 CFS
Irrigation Storage	01-01 TO 12-31	1.00 AFY
Irrigation from Storage	04-01 TO 10-31	1.00 AFY

Industrial use is at Shoshone Medical Center and includes non-potable water for decontamination unit, mechanical facilities and emergency use (inside and outside hospital).

PLACE OF USE:

Irrigation		Within Shoshone County
T49N R03E S31	NESW 0.5	LOT 4 (SWSW) 0.5
	LOT 5 (SESW) 1.5	
2.5 Acres Total		
Irrigation from Storage		Within Shoshone County
Same as Irrigation		
Industrial		Within Shoshone County
T49N R03E S31	NESW	LOT 4 (SWSW)
	LOT 5 (SESW)	
Industrial from Storage		Within Shoshone County
Same as Industrial		

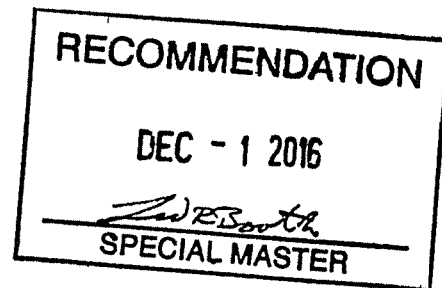
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

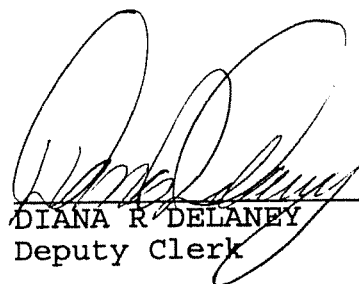
Water Right(s): 94-08407

On December 01, 2016, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to CSRBA Administrative Order 1 (A01), Section 18a.

Pursuant to CSRBA Administrative Order 1 (A01), Section 18a, 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, 2016.



DIANA R. DELANEY
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)
_____)

CERTIFICATE OF MAILING

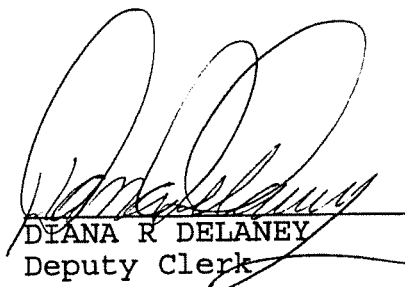
Water Right(s): 94-08407

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

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

WEST SHOSHONE HOSPITAL
Represented by:
LINDA B JONES
HOLLAND & HART LLP
101 S CAPITAL BLVD STE 1400
PO BOX 2527
BOISE, ID 83701
Phone: 208-342-5000


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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