

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls State of Idaho	
MAR - 3 2017	
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	RECEIVED MAR 06 2017 DEPARTMENT OF WATER RESOURCES
	)	
Case No. 49576	) FINDINGS OF FACT AND	
	) CONCLUSIONS OF LAW	
	)	
_____	) FOR WATER RIGHT 94-02081	

I. FINDINGS OF FACT

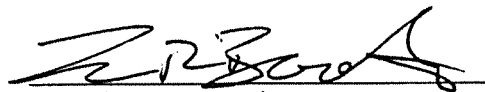
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

On July 27, 2016, the United States of America acting through the USDA Forest Service filed an objection to the *Director's Report*. On February 4, 2017, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 94-02081 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 3, 2017



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

In Re CSRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 94-02081

NAME AND ADDRESS: MARY M NEMETH
PETER NEMETH
2800 ST JOE RIVER RD
ST MARIES, ID 83861-9136

SOURCE: UNNAMED STREAM TRIBUTARY: GRANITE GULCH CREEK

QUANTITY: 2.50 CFS

PRIORITY DATE: 08/28/1913

POINT OF DIVERSION: T49N R05E S27 NENW Within Shoshone County

The point of diversion for this water right is in Mineral Survey
No. 3004.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	2.50 CFS

Industrial use is for mining and milling ore.

PLACE OF USE: Industrial Within Shoshone County
T49N R05E S22 NESE

The place of use for this water right is in Mineal Survey No.
3204.

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

The remainder of this right was not claimed in the Coeur
d'Alene-Spokane River Basin Adjudication.
The point of diversion and/or place of use do not include federal
land.

Property is also known as Mineral Survey Nos. 3004 and 3204.

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~~

RECOMMENDATION

MAR - 3 2017

Eric J. Wildman
SPECIAL MASTER

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR - 3 2017 By _____ Clerk 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 CSRBA)
))
Case No. 49576)
))
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

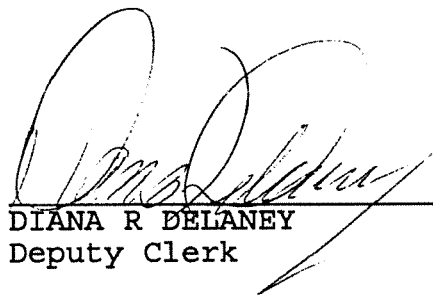
Water Right(s): 94-02081

On March 03, 2017, 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 March 03, 2017.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR - 3 2017	
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 94-02081

CERTIFICATE OF MAILING

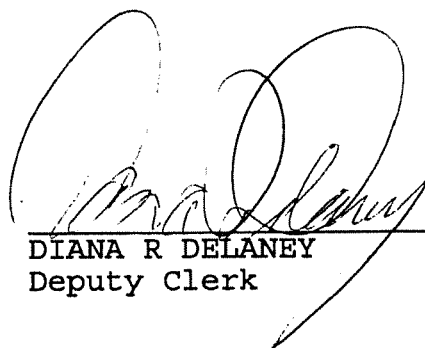
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 03, 2017, with sufficient first-class postage prepaid to the following:

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

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

MARY M NEMETH
PETER NEMETH
2800 ST JOE RIVER RD
ST MARIES, ID 83861-9136
Phone: 208-245-2639

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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03/03/17