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JUL 27 2017

DEPARTMENT OF
WATER RESOURCES

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

JUL 26 2017

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

By

Clerk

Deputy Clerk

In Re CSRBA

Case No. 49576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 94-02082, 94-
) 02089, 94-02122, 94-04190 and 94-07255

I. FINDINGS OF FACT

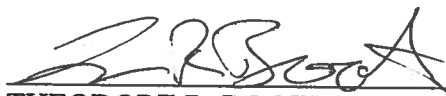
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area and filed its *Director's Report for Basin 94 Water Rights* on February 25, 2016. The *Director's Report* contained a recommendation for the elements of these water rights.

On July 27, 2016, the United States of America, acting through the USDA Forest Service, filed objections to the *Director's Report* for water right claims 94-02082, 94-02089, 94-02122 and 94-04190. Water Right claim 94-07255 was designated as an uncontested overlapping water right. On July 11, 2017, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* which resolved the objections. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 94-02082, 94-02089, 94-02122, 94-04190 and 94-07255 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 26, 2017



THEODORE R. BOOTH

Special Master

Coeur d'Alene-Spokane River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

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 94-02082

NAME AND ADDRESS: HECLA LTD
6500 N MINERAL DR STE 200
COEUR D ALENE, ID 83815-9408

SOURCE: GOLD CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER
UNNAMED STREAM TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY: 2.00 CFS

The rate of diversion from Gold Creek shall not exceed 1.50 cfs.
The rate of diversion from unnamed stream shall not exceed 0.50
cfs.

PRIORITY DATE: 09/08/1913

POINT OF DIVERSION: T47N R05E S04 NWNE Within Shoshone County
NENE

The points of diversion do not include any federal land.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mining	01-01 TO 12-31	2.00 CFS

Water was used under this right for mining and milling purposes
at the Morning Mill Mine. This right is recommended pursuant to
Section 42-223(11), Idaho Code.

PLACE OF USE: Mining T48N R05E S34 SNNW Within Shoshone County

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

RECOMMENDATION

JUL 26 2017

David B. Smith
SPECIAL MASTER

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JUL 27 2017

DEPARTMENT OF
WATER RESOURCESIN 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
 Case No. 49576) I.R.C.P. 54(b) FOR
)
) Water Right 94-02089

NAME AND ADDRESS: HECLA LTD
 6500 N MINERAL DR STE 200
 COEUR D'ALENE, ID 83815-9408

SOURCE: BEAVER CREEK TRIBUTARY: COEUR D'ALENE RIVER
 CARBON CREEK TRIBUTARY: BEAVER CREEK

QUANTITY: 20.00 CFS

The rate of diversion from Carbon Creek shall not exceed 10.0
 cfs. The rate of diversion from Beaver Creek shall not exceed
 10.0 cfs.

The quantity of water under this right for domestic use shall
 not exceed 2,500 gallons per day.

PRIORITY DATE: 08/02/1918

POINT OF DIVERSION: T49N R04E S25 NENE Within Shoshone County
 NESE

The points of diversion do not include any federal land.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Mining	01-01 TO 12-31	20.00 CFS
Domestic	01-01 TO 12-31	0.04 CFS

Water was used under this right for mining (power, milling and
 concentrating of ore) and domestic purposes at the Ray-Jefferson
 Mining Co. mill site located at the confluence of Carbon Creek
 and Beaver Creek. This right is recommended pursuant to Section
 42-223(11), Idaho Code.

PLACE OF USE: Mining Within Shoshone County
 T49N R04E S25 LOT 8 (NWSE)
 Domestic Within Shoshone County
 Same as Mining

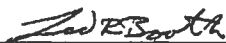
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
 use is not a determination of historical beneficial use.

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).

RECOMMENDATION

JUL 26 2017


 SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 94-02122

NAME AND ADDRESS:

HECLA LTD
6500 N MINERAL DR STE 200
COEUR D ALENE, ID 83815-9408

SOURCE:

NORTH FORK SOUTH FORK LITTLE COEUR D ALENE RIVER TRIBUTARY: SOUTH FORK COEUR D ALENE RIVE

QUANTITY:

0.60 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE:

05/03/1923

POINT OF DIVERSION:

T48N R06E S32 NWNE Within Shoshone County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	0.60 CFS
Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:

Irrigation Within Shoshone County
T48N R06E S32 LOT 9 (SNNW) 20.0 LOT 15 (SENN) 9.0
LOT 13 (NNSW) 1.0
30.0 Acres Total
Domestic Within Shoshone County
T48N R06E S32 LOT 9 (SNNW)

This water right does not include any federal land.

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

The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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
Fifth Judicial District
RECOMMENDATION

JUL 26 2017

Lawrence B. Smith
SPECIAL MASTER

DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
)
Case No. 49576)
)

Water Right 94-04190

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DEPARTMENT OF
WATER RESOURCES

In Re CSRBA)
)
Case No. 49576)
_____)

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

Water Right 94-07255

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DEPARTMENT OF
WATER RESOURCES

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

JUL 26 2017

By _____
Clerk
JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH
STATE OF IDAHO, IN AND FOR THE

In Re CSRBA)

Case No. 49576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

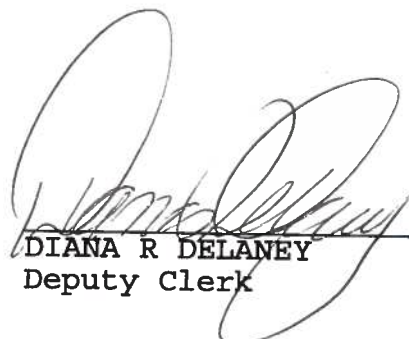
Water Right(s): 94-02082
94-02089 94-02122 94-04190
94-07255

On July 26, 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 July 26, 2017.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 26 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): 94-02082
94-02089 94-02122 94-04190
94-07255

CERTIFICATE OF MAILING

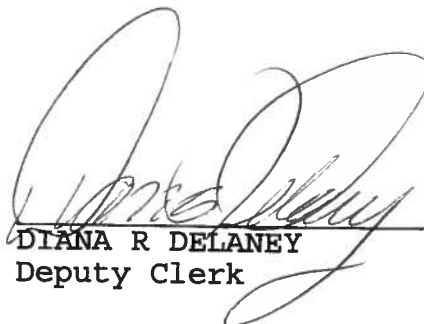
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 26, 2017, with sufficient first-class postage prepaid to the following:

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

HECLA LTD
6500 N MINERAL DR STE 200
COEUR D ALENE, ID 83815-9408
Phone: 208-769-4100

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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