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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 94-09445, and 94-
) 09446

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 rights 94-09445 and 94-09446. On July 28, 2016, the United States of America, acting through the Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report* for water rights 94-09445. 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 94-09445 and 94-09446 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

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

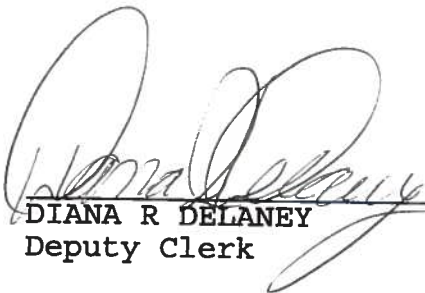
Water Right(s): 94-09445
94-09446

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

In Re CSRBA)
)
Case No. 49576)
)

Water Right 94-09445

QUANTITY: 0.20 CFS

POINT OF DIVERSION: T48N R05E S24 SESW Within Shoshone County
SNNW

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

PLACE OF USE:	Industrial	Within Shoshone County	
	T48N R05E S22	NENE	NWNE
		SWNE	SENE
		NESE	NWSE
		SWSE	SESE
	S23	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SWSW	SESW
		NESE	NWSE
		SESE	
	S25	SWNW	SENW
		NESW	NWSW
		SESW	SWSE
	S26	NENE	NWNE
	LOT 1	(NWNE)	SWNE
		SENE	LOT 7 (SENE)
		NENW	LOT 13 (NENW)
		NWNW	LOT 3 (NWNW)
		SWNW	LOT 5 (SWNW)
	LOT 14	(SWNW)	SENW
		NESE	NWSE
	S27	NENE	LOT 3 (NENE)
	LOT 15	(NENE)	LOT 16 (NENE)
		NWNE	SWNE
		SENE	LOT 8 (SENE)

This water right does not include any federal land.

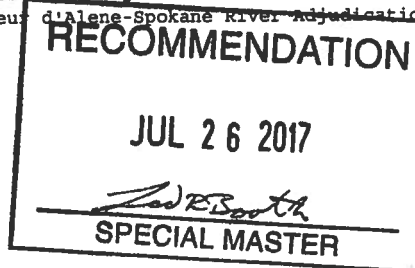
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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

Page 1
Jul-21-2017

RULE 54(b) CERTIFICATE

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



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)
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_____)

CERTIFICATE OF MAILING

Water Right(s) : 94-09445
94-09446

CERTIFICATE OF MAILING

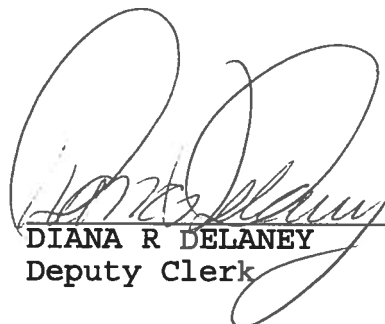
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 26, 2017, with sufficient first-class postage prepaid to the following:

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

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

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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07/26/17

MICHAEL A EALY
700 NORTHWEST BLVD
PO BOX 1336
COEUR D'ALENE, ID 83816-1336

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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