

RECEIVED

JUL 27 2017

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 26 2017
_____ 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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 94-09451, and 94-
) 09452

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 an objection to the *Director's Report* for water right 94-09451. On July 28, 2016, the United States of America, acting through the Department of Interior, Bureau of Land Management, filed objections to the *Director's Report* for water rights 94-09451 and 94-09452. 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 94-09451 and 94-09452 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

RECEIVED

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 94-09451

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

SOURCE: ROSEBUD GULCH CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER
 EAST FORK ROSEBUD GULCH CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

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: 07/30/1968

POINT OF DIVERSION: T48N R03E S14 SWSE Within Shoshone County
 SESE
 S23 SWNE

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
	T48N R03E S13	SWNW	NESW
	LOT 13	(NESW)	NWSW
		SWSW	SESW
		SWSE	
	S14	SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	SESW
		NESE	NWSE
		SWSE	SESE
	S23	NENE	NWNE
		SWNE	SENE
		NENW	NWNW
		SWNW	SENW
		NESW	NWSW
		SESW	NESE
		NWSE	SWSE
		SESE	
	S24	NENE	NWNE
		SWNE	NENW
		NWNW	SWNW
		SENW	NWSW
		SWSW	
	S25	NENE	NWNE
		SWNE	NENW
		NWNW	SWNW
		SENW	
	S26	NENE	NWNE
		SWNE	SENE
		NENW	

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

PLACE OF USE (continued)

Fire Protection
Same as Industrial

Within Shoshone County

This water right does not include any federal land.

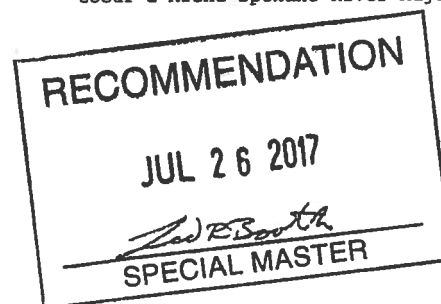
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



RECEIVED

JUL 27 2017

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 94-09452

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

SOURCE: CANYON CREEK TRIBUTARY: SO FORK OF COEUR D ALENE RIVER

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: 07/31/1968

POINT OF DIVERSION: T48N R05E S09 SESW 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
T48N R05E S09
NENE
SWNE
NENW
SWNW
NWSE
SENE
NWNW
SENW

Fire Protection Within Shoshone County
Same as Industrial

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~~

RECOMMENDATION

JUL 26 2017

Les B. Booth
SPECIAL MASTER

RECEIVED

JUL 27 2017

DEPARTMENT OF
WATER RESOURCES

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

JUL 26 2017

By _____

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

Clerk

Deputy Clerk

In Re CSRBA)

Case No. 49576)
)
)
)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

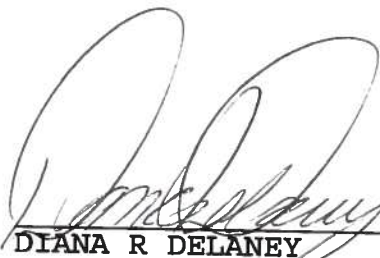
Water Right(s): 94-09451
94-09452

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.

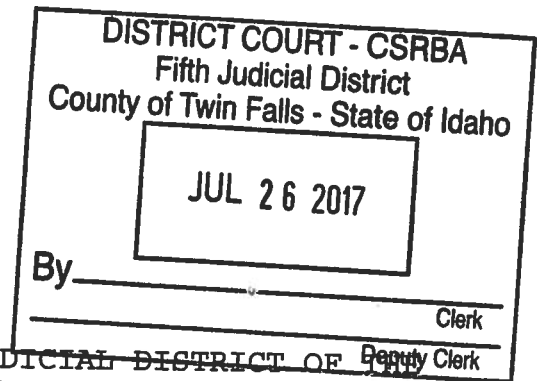
Pursuant to CSRBA Administrative Order 1 (A01), Section 18a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF ~~THE~~ ^{Deputy Clerk}
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
Case No. 49576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 94-09451
94-09452

CERTIFICATE OF MAILING

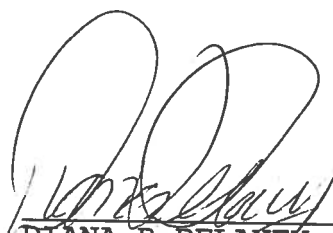
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 26, 2017, with sufficient first-class postage prepaid to the following:

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

JACKSON TIMBERLAND
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