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JUL 28 2017

DEPARTMENT OF
WATER RESOURCES

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

JUL 27 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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 94-08190 and
) 94-08193

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 28, 2016, the United States of America, acting through the Department of Interior, Bureau of Land Management, filed objections to the *Director's Report*. On July 18, 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 94-08190 and 94-08193 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 27, 2016



THEODORE R. BOOTH
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

DEPARTMENT OF
WATER RESOURCES

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Jul-18-2017

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 94-08190

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: DAVID E SHORT
KIMBERLY A SHORT
127 GRANITE
WALLACE, ID 83873

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

The quantity of water under Right Nos. 94-8190 and 94-8193 shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/12/1967

POINT OF DIVERSION: T48N R05E S18 NWSW Within Shoshone County

Point of diversion is located in Mineral Survey 2728.

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

Domestic

PERIOD OF USE

01-01 TO 12-31

QUANTITY

0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:

Domestic

T48N R05E S18

NWSW

Within Shoshone County

Place of use is located in Mineral Survey 2728.

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

The quantity of water decreed for this water right 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

Court of Appeals, Spokane River Adjudication

RECOMMENDATION

JUL 27 2017

Law R. Booth
SPECIAL MASTER

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 27 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

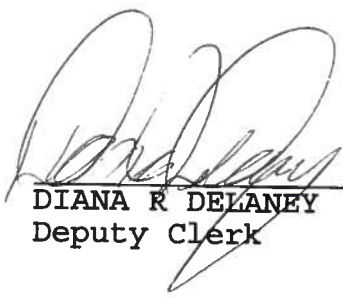
Water Right(s): 94-08190
94-08193

On July 27, 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.

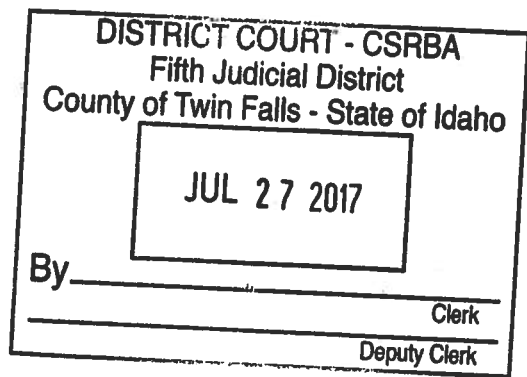
Pursuant to CSRBA Administrative Order 1 (A01), Section 18a, any
party to the adjudication including parties to the subcase, may file a
Motion to Alter or Amend on or before the 28th day of the next month.

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 27, 2017.



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) : 94-08190
94-08193

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 27, 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

DAVID E SHORT
KIMBERLY A SHORT
127 GRANITE
WALLACE, ID 83873
Phone: 208-556-1848

CERTIFICATE OF MAILING

A handwritten signature in dark ink, appearing to read "Diana R Delaney".

DIANA R DELANEY
Deputy Clerk

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07/27/17