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DEPT. OF WATER RESOURCES

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

SEP 07 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

-) SPECIAL MASTER'S REPORT
-) FINDINGS OF FACT AND
-) CONCLUSIONS OF LAW
-)
-) FOR WATER RIGHT 94-02093 and 94-
-) 08973

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. The *Director's Report* contained a recommendation for the elements of these water rights.

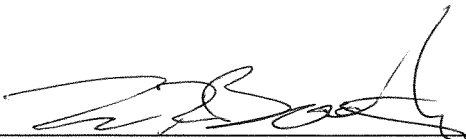
On July 28, 2016, the United States of America, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report* for water right 94-02093. Water right 94-08973 was identified by IDWR as an uncontested right which may be affected by the outcome of a contested matter. An Initial Hearing was held on July 11, 2017, at which time the parties filed a fully executed *Standard Form 5 Amended Claim* stipulating to the amended elements of the water right 94-02093. No objections were filed to the *SF5 Amended Claim* and the time period for filing objections has expired. Accordingly, there are no outstanding objections to the *Director's Report* for these water right claims.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 94-02093 and 94-08973 be **decreed** with the elements as set forth in the attached

Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b).

Dated Sept. 7, 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 94-02093

NAME AND ADDRESS: DAVID BENNETT
KELLIE BENNETT
18020 NW SEABECK HOLLY RD
SEABECK, WA 98380

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

Right numbers 94-2093 and 94-8973 are limited to a total
combined diversion rate of 0.02 cfs.

PRIORITY DATE: 11/10/1914

POINT OF DIVERSION: T48N R04E S14 NWSE Within Shoshone County

Point of diversion is located in Mineral Survey 3234.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.01 CFS

Domestic use is for 1 home.

PLACE OF USE: Domestic Within Shoshone County
T48N R04E S14 NESE

Place of use is located in Mineral Survey 2342 and Mineral
Survey 2886.

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

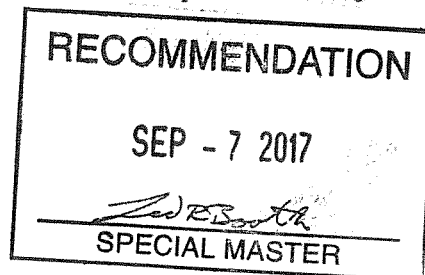
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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
Coeur d'Alene-Spokane River 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)
Case No. 49576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 94-08973

NAME AND ADDRESS: RICHARD W CARON
416 1/2 6TH ST
WALLACE, ID 83873

SOURCE: SPRING TRIBUTARY: BLACKCLOUD CREEK

QUANTITY: 0.01 CFS

Right numbers 94-2093 and 94-8973 are limited to a total
combined diversion rate of 0.02 cfs.
The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 11/10/1914

POINT OF DIVERSION: T48N R04E S14 NWSE Within Shoshone County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.01 CFS

Domestic use is for 1 home.

PLACE OF USE: Domestic Within Shoshone County
T48N R04E S14 NESE

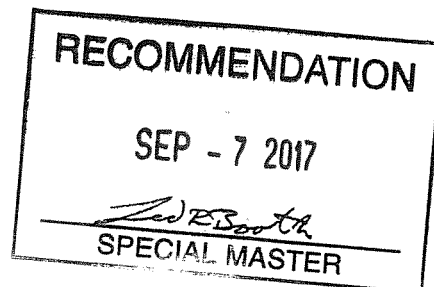
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

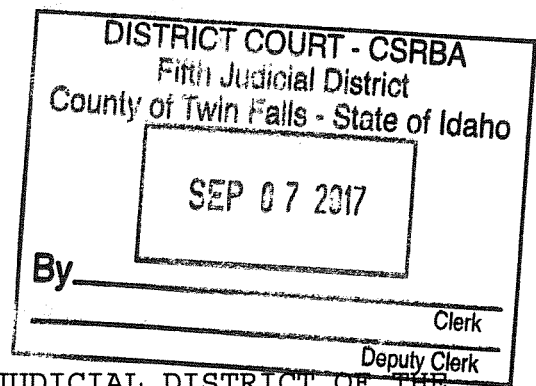
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





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

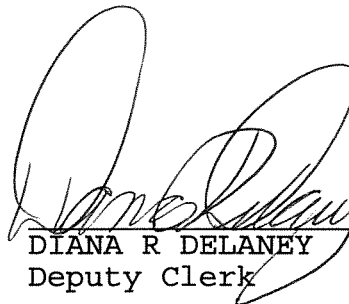
Water Right(s): 94-02093
94-08973

On September 07, 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.

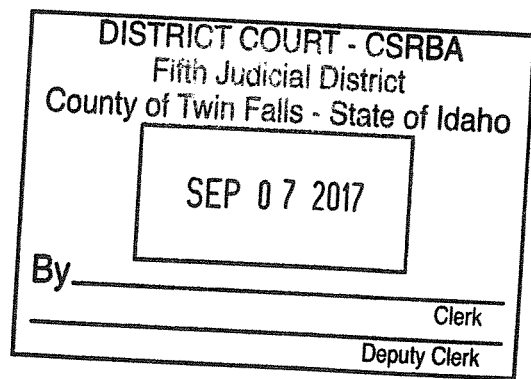
Pursuant to CSRBA Administrative Order 1 (A01), Section 18a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 September 07, 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) : 94-02093
94-08973

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 September 07, 2017, with sufficient first-class postage prepaid to the following:

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

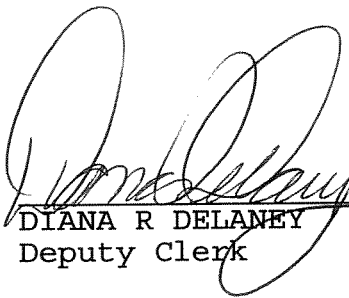
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DAVID BENNETT
KELLIE BENNETT
18020 NW SEABECK HOLLY RD
SEABECK, WA 98380
Phone: 360-830-5537

CERTIFICATE OF MAILING

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09/06/17

RICHARD W CARON
416 1/2 6TH ST
WALLACE, ID 83873
Phone: 208-752-1775



DIANA R DELANEY
Deputy Clerk