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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 _____	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 94-02133 and 94-
09387

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 recommendations 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 claim 94-09387. Water right claim 94-02133 was identified as an uncontested claim that may be affected by the outcome of a contested matter. On July 11, 2017 the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 94-02133 and 94-09387 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
Case No. 49576) I.R.C.P. 54(b) FOR
)
) Water Right 94-09387

NAME AND ADDRESS: SHOSHONE GOLF & TENNIS
CLUB INC
PO BOX 629
OSBURN, ID 83849

SOURCE: BIG CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY: 1.00 CFS
125.00 AFY

Right Nos. 94-2173, 94-2133 and 94-9387 are limited to a total combined diversion rate of 1.0 cfs and to a total combined annual diversion volume of 125.0 AF.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 10/13/1927

POINT OF DIVERSION: T48N R03E S10 NENE Within Shoshone County

A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.

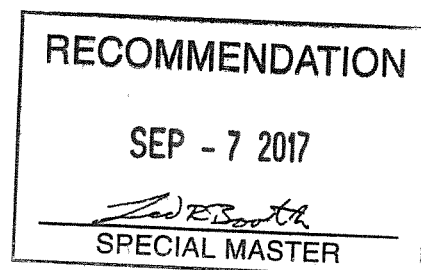
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	04-01 TO 10-31	125.00 AFY
	Irrigation from Storage	04-01 TO 10-31	125.00 AFY
	Diversion to Storage	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation Storage		Within Shoshone County
	T48N R03E S10	NENW	
	Irrigation from Storage		Within Shoshone County
	T48N R03E S10	NWNE 5.8	SWNE 0.2
		NENW 16.9	LOT 5 (SWNW) 2.8
		SENE 13.9	NESW 0.4
	40.0 Acres Total		

Right Nos. 94-2173, 94-2133 and 94-9387 are limited to the irrigation of a combined total of 40.0 acres in a single irrigation season.
Place of use does not include federal public lands.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 94-02133

NAME AND ADDRESS: STERLING MINING COMPANY
PO BOX 2838
COEUR D ALENE, ID 83816

SOURCE: BIG CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY: 1.00 CFS
125.00 AFY

Right Nos. 94-2133, 94-2173 and 94-9387 are limited to a total
combined diversion rate of 1.0 cfs and to a total combined
annual diversion volume of 125.0 AF.

PRIORITY DATE: 04/03/1965

POINT OF DIVERSION: T48N R03E S10 SENE Within Shoshone County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	1.00 CFS 125.00 AFY

PLACE OF USE:	Irrigation	Within Shoshone County
	T48N R03E S10	NWNE 5.8 SWNE 0.2 NENW 16.9 LOT 5 (SNNW) 2.8 SENE 13.9 NESW 0.4
	40.0 Acres Total	

Right Nos. 94-2133, 94-2173 and 94-9387 are limited to the
irrigation of a combined total of 40.0 acres in a single
irrigation season.

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

The remainder of this right was forfeited for non-use from
4/22/1987 to 11/12/2008.

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

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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 Judicial District

RECOMMENDATION

SEP - 7 2017

Leslie Booth
SPECIAL MASTER

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

SEP 07 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

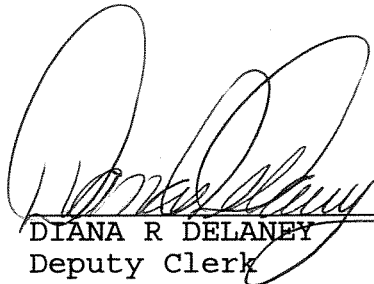
Water Right(s): 94-02133
94-09387

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

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho SEP 07 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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 94-02133
94-09387

CERTIFICATE OF MAILING

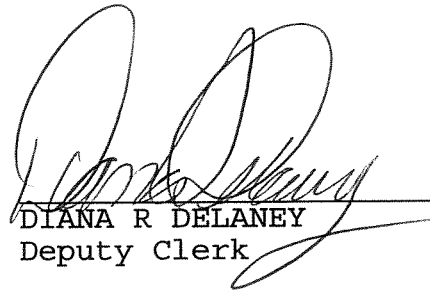
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 07, 2017, with sufficient first-class postage prepaid to the following:

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

SHOSHONE GOLF & TENNIS
CLUB INC
PO BOX 629
OSBURN, ID 83849
Phone: 208-753-2701

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

STERLING MINING COMPANY
PO BOX 2838
COEUR D ALENE, ID 83816
Phone: 208-666-4070



DIANA R DELANEY
Deputy Clerk