

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 21 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 RIGHT 94-08841**

RECEIVED

SEP 25 2017

DEPARTMENT OF
WATER RESOURCES

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right 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 this water right.

On July 28, 2016, the United States of America, acting through the Department of Interior, Bureau of Land Management ("BLM"), filed an objection to the *Director's Report*, asserting that the Place of Use and Point(s) of Diversion elements of the water right should be described in such a way so as to exclude federal land.

On July 11, 2017, an initial hearing on the objections was held, at which the Claimants failed to appear. A second hearing was held on September 12, 2017, and again the Claimants failed to appear. In the *Notice Resetting Initial Hearing* (filed August 16, 2017) the Claimants were notified that failure to appear at the September 12, 2017 hearing would result in a recommendation that satisfies the BLM's objection. At that hearing, counsel for the BLM described to the court that the BLM's objection would be satisfied through the inclusion of remarks under the Point of Diversion and the Place of Use elements of the water right. Accordingly, the attached recommendation includes those remarks. On September 18, 2017, the court received email correspondence from IDWR indicating that IDWR approves of the remarks.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 94-08841 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. 21, 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 94-08841

NAME AND ADDRESS: MELINDA L NORMAN
RICK W NORMAN
PO BOX 233
WALLACE, ID 83873

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 13,000
gallons per day.

PRIORITY DATE: 01/01/1975

POINT OF DIVERSION: T48N R04E S12 NWSW Within Shoshone County

Point of diversion is located in Mineral Survey No. 1651.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS
Domestic use is for 1 home.			

PLACE OF USE: Domestic Within Shoshone County
T48N R04E S12 NWSW
Place of use is located in Mineral Survey No. 1651.

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

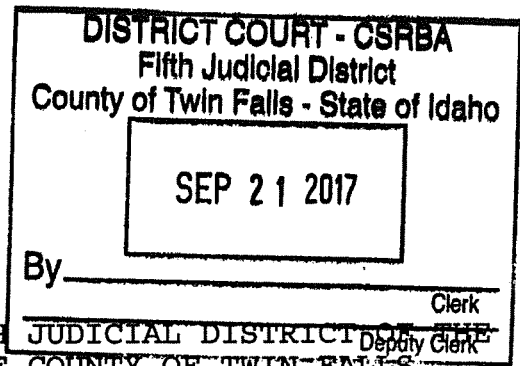
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment 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

RECOMMENDATION

SEP 21 2017

Lawrence B. Booth
SPECIAL MASTER



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

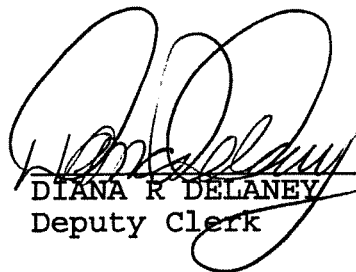
Water Right(s): 94-08841

On September 21, 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 21, 2017.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 21 2017	
By _____	Clerk

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

In Re CSRBA)
)
 Case No. 49576)
 _____)

CERTIFICATE OF MAILING

Water Right(s): 94-08841

CERTIFICATE OF MAILING

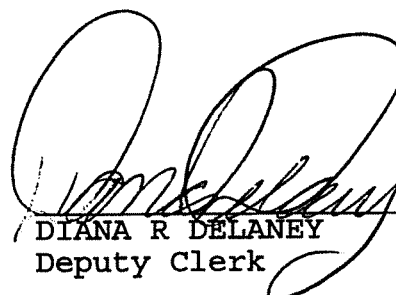
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 21, 2017, with sufficient first-class postage prepaid to the following:

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

MELINDA L NORMAN
 RICK W NORMAN
 PO BOX 233
 WALLACE, ID 83873
 Phone: 208-753-6521

CERTIFICATE OF MAILING


 DIANA R DELANEY
 Deputy Clerk

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