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DEPARTMENT OF WATER RESOURCES

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

MAR -7 2018

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) SPECIAL MASTER'S REPORT
)
 Case No. 49576) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
 _____) FOR WATER RIGHT 94-04244

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.

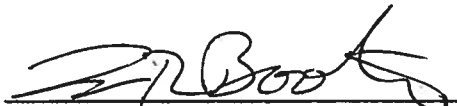
On July 28, 2016, the State of Idaho, Department of Environmental Quality, filed an objection to the *Director's Report*. An Initial Hearing was held on this matter August 22, 2017.

On December 28, 2017, the parties filed a fully executed *Standard Form 5, Stipulated Elements of a Water Right, Amended Notice of Claim/Director's Report*. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water right 94-04244 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 7, 2018


 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)
Case No. 49576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 94-04244

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
1410 N HILTON
BOISE, ID 83706

SOURCE: GOVERNMENT GULCH CREEK TRIBUTARY: SOUTH FORK COEUR D ALENE RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 09/08/1899

POINT OF DIVERSION: T48N R02E S10 SESE Within Shoshone County

Point of diversion is located in Mineral Survey No. 3389.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Industrial	01-01 TO 12-31	1.00 CFS

Industrial use is for remediation of mining sites.

PLACE OF USE:	Industrial	Within Shoshone County
	T48N R02E S02	SWNE SESW S11
		SWNE SESW NENW SWNW

The place of use does not include 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

