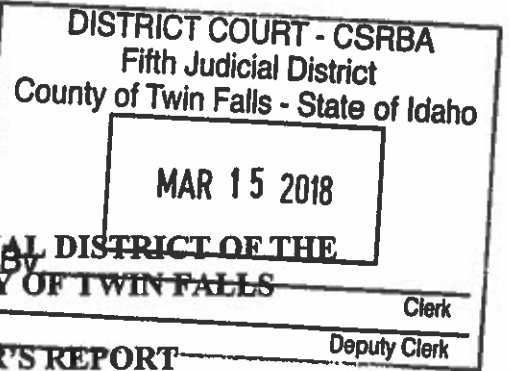




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA

Case No. 49576

) SPECIAL MASTER'S REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

) FOR WATER RIGHTS 94-07339 and 94-07358

RECEIVED
MAR 16 2018
DEPARTMENT OF
WATER RESOURCES

I. FINDINGS OF FACT

A notice of claim was filed for each of 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.

No objection was filed for water right claim 97-07358; however, this water right is used in combination with water right 94-07339 which was the subject of an *Objection* filed by the United States, Department of Interior, Bureau of Land Management. The *Objection* was resolved with the filing of *Standard Forms 5* on March 14, 2018. There are no unresolved objections remaining. Water rights 94-07339 and 94-07358 will be recommended consistent with the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein IT IS RECOMMENDED that water rights 94-07339 and 94-07358 be decreed with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 15, 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 94-07339

NAME AND ADDRESS: NORTH IDAHO MOUNTAIN BREW
108 NINE MILE RD
PO BOX 947
WALLACE, ID 83873

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

QUANTITY: 0.02 CFS
3.00 AFY

Right Nos. 94-7339 and 94-7358 are limited to a total combined
irrigation diversion rate of 0.03 cfs and to a total combined
annual diversion volume of 3.0 AF.

PRIORITY DATE: 05/10/1992

POINT OF DIVERSION: T48N R04E S27 LOT 2 (SESE) Within Shoshone County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.02 CFS
Fire Protection	01-01 TO 12-31	3.00 AFY
		0.02 CFS

PLACE OF USE:

Irrigation				Within Shoshone County
T48N R04E S26	NWSW	0.1		SWSW 0.5
S27	SESE	0.1	LOT 2	(SESE) 0.3
1.0 Acres Total				
Fire Protection				Within Shoshone County
T48N R04E S26	NWSW			SWSW
S27	SESE		LOT 2	(SESE)

Right Nos. 94-7339 and 94-7358 are limited to the irrigation of
a combined total of 1.0 acre in a single irrigation season.
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).

RECOMMENDATION

MAR 15 2018

Lawrence Booth
SPECIAL MASTER

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 Re CSRBA
Case No. 49576

NAME AND ADDRESS: NORTH IDAHO MOUNTAIN BREW
108 NINE MILE RD
PO BOX 947
WALLACE, ID 83873

QUANTITY: 0.06 CFS
3.00 AFY

PRIORITY DATE: 01/13/1995

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:	Irrigation			Within Shoshone County
	T48N R04E S26	NWSW 0.1		SWSW 0.5
	S27	SESE 0.1	LOT 2	(SESE) 0.3
	1.0 Acres Total			

Fire Protection

T48N R04E S26	NWSW	Within Shoshone County
S27	SESE	SWSW
	LOT 2	(SESE)

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).

MAR 15 2018

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Mar-14-2018

RULE 54(b) CERTIFICATE

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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

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

MAR 15 2018

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)
_____))

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

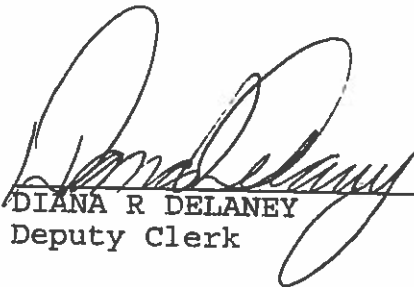
Water Right(s): 94-07339
94-07358

On March 15, 2018, 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 March 15, 2018.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 15 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)
Case No. 49576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 94-07339
94-07358

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 March 15, 2018, with sufficient first-class postage prepaid to the following:

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

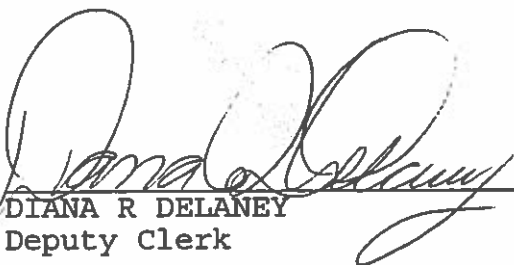
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NORTH IDAHO MOUNTAIN BREW
108 NINE MILE RD
PO BOX 947
WALLACE, ID 83873
Phone: 208-556-1120

CERTIFICATE OF MAILING

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03/15/18

CITY LIMITS PUB
108 NINE MILE ROAD
WALLACE, ID 83837



DIANA R DELANEY
Deputy Clerk