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SEP 12 2018

DEPARTMENT OF  
WATER RESOURCES



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 94-08536

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, Department of Interior, Bureau of Land Management, filed an objection to the *Director's Report*. An initial hearing on the objection was held on July 11, 2017, at which the claimant, Karen Henry, failed to appear. A *Notice Resetting Initial Hearing* was issued on August 16, 2017, which reset the initial hearing to September 12, 2017. Again the claimant failed to appear. The August 16, 2017, *Notice* advised the claimant that failure to appear would result in a Special Master's recommendation that the water right claim be decreed in a way that conforms to the objection.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 94-08536 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. 10, 2018

Theodore R. Booth  
Special Master  
Coeur d'Alene-Spokane River Basin Adjudication

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DEPARTMENT  
WATER RESOURCES

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 94-08536

NAME AND ADDRESS: KAREN HENRY  
1379 EAST FORK PINE CREEK RD  
PINEHURST, ID 83850

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 08/07/1974

POINT OF DIVERSION: T48N R02E S28 NWSW Within Shoshone County

Point of diversion is located in Tract 37.

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Stockwater     | 01-01 TO 12-31 | 0.02 CFS |
| Domestic       | 01-01 TO 12-31 | 0.04 CFS |

Domestic use is for 1 home.

PLACE OF USE: Stockwater Within Shoshone County  
T48N R02E S28 NWSW  
Domestic Within Shoshone County  
T48N R02E S28 NWSW

Place of use is located in Tract 37.

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  
Court of the Shoshone River Adjudication

RECOMMENDATION

SEP 10 2018

SPECIAL MASTER

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SEP 12 2018

DEPARTMENT OF  
WATER RESOURCES

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

SEP 11 2018

By \_\_\_\_\_  
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS <sup>Clerk</sup>  
Deputy Clerk

In Re CSRBA )

Case No. 49576 )  
\_\_\_\_\_) )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 94-08536

On September 10, 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 September 10, 2018.

  
\_\_\_\_\_  
DIANA R. DELANEY  
Deputy Clerk

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SEP 12 2018

DEPARTMENT OF  
WATER RESOURCES

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

SEP 01 2018

By \_\_\_\_\_ 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): 94-08536

CERTIFICATE OF MAILING

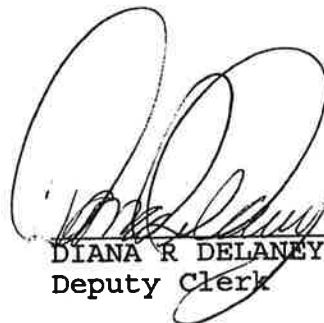
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 10, 2018, with sufficient first-class postage prepaid to the following:

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

KAREN HENRY  
1379 EAST FORK PINE CREEK RD  
PINEHURST, ID 83850  
Phone: 208-682-4770

CERTIFICATE OF MAILING

  
DIANA R DELANEY  
Deputy Clerk

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09/10/18