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DEPARTMENT OF
WATER RESOURCES

AMENDED DIRECTOR'S REPORT

Subcase No. 94-2113

In Re CSRBA

Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Carter Fritschle, Manager, Adjudication Section

October 30, 2018

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources (IDWR).

DISCUSSION

On February 25, 2016, IDWR filed a Director's Report for Hecla Limited's Water Right No. 94-2113, for industrial purposes. No objections were filed, and a *Partial Decree* was issued on February 15, 2017. On March 2, 2017, Hecla Limited filed a *Motion to Set Aside and Modify Partial Decree* asserting that the *Partial Decree* should be set aside as an error appeared in the point of diversion (POD) and place of use (POU) elements of the claim. On March 21, 2018, Special Master Booth issued an *Order Setting Status Conference* for July 31, 2018, wherein it was established that IDWR would file an Amended Director's Report by October 31, 2018.

After review, IDWR has determined that the correct POD location should be in the SWNE of Section 18, Township 48 North, Range 5 East, B.M., and the correct POU location should be in the NWSE of Section 18, Township 48 North, Range 5 East, B.M. In addition, IDWR requests that "at the Gem Mill" be added to the text of the Purpose and Period of Use element for a more precise description of the location of the water use.

The Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase (see attached recommendation).



CARTER FRITSCHLE
Manager, Adjudication Section

09/11/2018

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 94-2113

NAME AND ADDRESS: HECLA LTD
6500 N MINERAL DR STE 200
COEUR D ALENE ID 83815-9408

SOURCE: CANYON CREEK

TRIBUTARY: SOUTH FORK COEUR D ALENE
RIVER

QUANTITY: 10.000 CFS

PRIORITY DATE: 08/07/1920

POINT OF
DIVERSION: T48N R05E S18 ~~SENE~~ SWNE Within SHOSHONE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	10.000 CFS
Water was used under this right for industrial purposes (milling and concentrating ore) by the Hecla Mining Company at the <u>Gem Mill</u> . This right is recommended pursuant to Section 42-223(11), Idaho Code.		

PLACE OF USE: INDUSTRIAL in SHOSHONE County
T48N R05E S18 ~~SENE~~ NWSE

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Parcel No. RPMC0410

CERTIFICATE OF SERVICE

I certify that on 10/31, 2018, I served the original and/or copies of this Amended Director's Report – Water Right No. 94-2113, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court	☐ Overnight Mail
Coeur d'Alene-Spokane River Basin Adjudication	☐ Regular Mail
253 Third Avenue North	☐ Hand-Delivered
P.O. Box 2707	☒ Facsimile
Twin Falls, Idaho 83303-2707	

2. Copies to:

Director of IDWR	☐ Overnight Mail
PO Box 83720	☒ Regular Mail
Boise, ID 83720-0098	☐ Hand-Delivered
	☐ Facsimile

Shoshone County Courthouse	☐ Overnight Mail
700 Bank Street	☒ Regular Mail
Wallace, ID 83873	☐ Hand-Delivered
	☐ Facsimile

Chief, Natural Resources Div	☐ Overnight Mail
Office of the Attorney General	☒ Regular Mail
State of Idaho	☐ Hand-Delivered
PO Box 83720	☐ Facsimile
Boise, ID 83720-0010	

United States of America	☐ Overnight Mail
Represented by:	☒ Regular Mail
US Department of Justice	☐ Hand-Delivered
Environment & Natl' Resources	☐ Facsimile
550 West Fort Street, MSC 033	
Boise, ID 83724	

Hecla Limited
Represented by:
Albert P Barker
1010 W. Jefferson Street, Suite 102
PO Box 2139
Boise, ID 83701-2139

☐ Overnight mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

S Cooley-Denny
Signature of person delivering form