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DEC 19 2018

DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - CSRBA                |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| DEC 17 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

) SPECIAL MASTER'S REPORT  
)  
) FOR WATER RIGHTS 94-02113  
) & 94-04189  
)

*Partial Decrees* were issued for these water rights on February 15, 2017. On March 21, 2018, Judge Wildman issued an *Order Setting Aside Partial Decrees*. On October 31, 2018, IDWR issued *Amended Director's Reports* for these claims. No objections were filed to the *Amended Director's Reports* and the time for objecting has expired.

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 94-02113 and 94-04189 be **decreed** with the elements as set forth in the attached *Recommendations for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Dec 17, 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

**AMENDED**

In Re CSRBA )  
 ) PARTIAL DECREE PURSUANT TO  
Case No. 49576 ) I.R.C.P. 54(b) FOR  
 )  
 ) Water Right 94-02113

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: 10.00 CFS

PRIORITY DATE: 08/07/1920

POINT OF DIVERSION: T48N R05E S18 SWNE Within Shoshone County

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Industrial 01-01 TO 12-31 10.00 CFS

Water was used under this right for industrial purposes (milling and concentrating ore) by the Hecla Mining Company at the Gem Mill. This right is recommended pursuant to Section 42-223(11), Idaho Code.

PLACE OF USE: Industrial Within Shoshone County  
T48N R05E S18 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. 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



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

**AMENDED**

In Re CSRBA )  
 ) PARTIAL DECREE PURSUANT TO  
Case No. 49576 ) I.R.C.P. 54(b) FOR  
 )  
 ) Water Right 94-04189

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

SOURCE: BELL GULCH CREEK TRIBUTARY: CANYON CREEK

QUANTITY: 0.24 CFS

The quantity of water under this right for domestic use shall  
not exceed 2,500 gallons per day.

PRIORITY DATE: 01/01/1891

POINT OF DIVERSION: T48N R05E S18 SESE Within Shoshone County

PURPOSE AND

PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------|
| Industrial     | 01-01 TO 12-31 | 0.20 CFS |
| Domestic       | 01-01 TO 12-31 | 0.04 CFS |

Industrial use is for metallurgical testing, use in a mining  
assay office building, and/or an assay plant.  
Domestic use is for use in a mining assay office or pilot plant  
building (metallurgical testing).

|               |               |      |                        |
|---------------|---------------|------|------------------------|
| PLACE OF USE: | Industrial    |      | Within Shoshone County |
|               | T48N R05E S18 | SWNE | NESE                   |
|               | Domestic      |      | Within Shoshone County |
|               | T48N R05E S18 | SWNE | NESE                   |

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic  
use 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**

**DEC 17 2018**

*Lawrence Booth*  
**SPECIAL MASTER**

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - CSRBA                |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| DEC 17 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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s) : 94-02113  
94-04189

On December 17, 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 December 17, 2018.

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

|                                       |       |
|---------------------------------------|-------|
| DISTRICT COURT - CSRBA                |       |
| Fifth Judicial District               |       |
| County of Twin Falls - State of Idaho |       |
| DEC 17 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

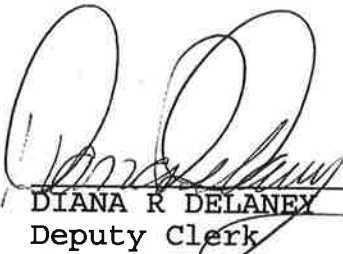
Water Right(s) : 94-02113  
94-04189

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 December 17, 2018, with sufficient first-class postage prepaid to the following:

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

HECLA LTD  
Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON ST STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

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

CERTIFICATE OF MAILING

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