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JUL 06 2020

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL - 1 2020	
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 RIGHT 95-08275

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. The *Director's Report* listed the name of the water right owner as "Black Rock Marina, Inc., which is how the water right was claimed in the *Notice of Claim* dated May 19, 2010.

On March 9, 2020, the real party in interest to the above-captioned water right, Black Rock Marina, LLC, through its attorney John F. Magnuson, filed a *Motion to File Late Objection*, together with a *Standard Form 1 Objection* seeking to have the name of the claimant changed from Black Rock Marina, Inc., to Black Rock Marina, LLC. The *Motion* was granted on April 28, 2020. No responses have been filed to the objection and the response period has expired.

In connection with the filing of its objection, Black Rock Marina, LLC, filed the *Declaration of John F. Magnuson in Support of Motion to File Late Objection*. The *Declaration* sets forth the chain of title for the real property to which water right 95-08275 is appurtenant from a time period beginning before the claim was filed (May 19, 2010) to the present. That chain of title is: Rockford Bay Investments, LLC to Washington Trust Bank to the Marina at Black Rock, LLC to Black Rock Marina, LLC. The entity that filed the claim on May 19, 2010 (Black Rock Marina, Inc.), was never the owner of the real property and the appurtenant water right; rather Black Rock Marina, Inc., was the contract manager of the Marina property for the owner at the time the claim was filed, Washington Trust Bank.

Based upon the *Declaration of John F. Magnuson in Support of Motion to File Late Objection*, this Special Master finds that the current owner of water right 95-08275 and the real property to which it is appurtenant is Black Rock Marina, LLC., and concludes that the partial decree issued for this water right should be in the name of Black Rock Marina, LLC.

Therefore based on the foregoing and pursuant to I.R.C.P. 12(c), IT IS RECOMMENDED that water right 95-08275 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

July 1, 2020

Theodore R. Booth

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 95-08275

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NAME AND ADDRESS: BLACK ROCK MARINA, LLC
PO BOX 2350
COEUR D ALENE, ID 83816

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS
12.40 AFY

PRIORITY DATE: 03/23/1983

POINT OF DIVERSION: T48N R04W S18 LOT 1 (NENE) Within Kootenai County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	04-01 TO 10-31	0.04 CFS 1.00 AFY
	Domestic	01-01 TO 12-31	0.08 CFS 11.40 AFY

Domestic use is for 19 homes.
Commercial use is for restaurant at lake resort.

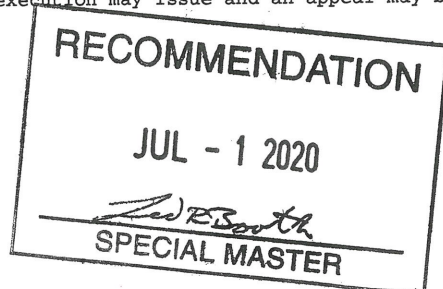
PLACE OF USE:	Commercial	Within Kootenai County
	T48N R04W S18 LOT 1 (NENE)	
	Domestic	Within Kootenai County
	T48N R04W S18 LOT 1 (NENE)	

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

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By _____	Clerk
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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

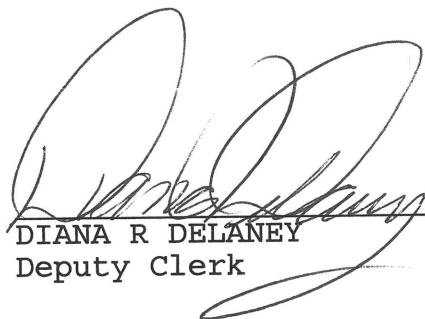
Water Right(s): 95-08275

On July 01, 2020, 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 July 01, 2020.


DIANA R DELANEY
Deputy Clerk

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

JUL - 1 2020

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

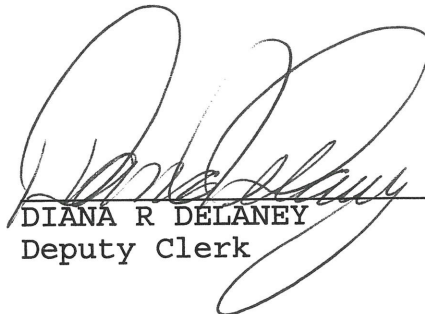
Water Right(s): 95-08275

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 July 01, 2020, with sufficient first-class postage prepaid to the following:

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

BLACK ROCK MARINA LLC
BLACK ROCK MARINA, LLC
Represented by:
JOHN F MAGNUSON
PO BOX 2350
COEUR D ALENE, ID 83816-2350
Phone: 208-667-0100


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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06/30/20