

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 21 2017	
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
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 94-07487

RECEIVED

SEP 25 2017

DEPARTMENT OF
WATER RESOURCES

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 March 31, 2016, Claimant Clifford Hinsz filed correspondence with the court regarding a remark that appears in the *Director's Report* which states: "Domestic use is for 1 home." The Claimant's correspondence asserts that the water right is for two homes, with a second home having been added to the property in 1967.

On July 28, 2016, the United States of America, acting through the Department of Interior, Bureau of Land Management ("BLM"), filed an objection to the *Director's Report*, asserting that the Place of Use and Point(s) of Diversion elements of the water right should be described in such a way so as to exclude federal land.

On July 11, 2017, an initial hearing on the objections was held, at which the Claimants failed to appear. A second hearing was held on September 12, 2017, and again the Claimants failed to appear. In the *Notice Resetting Initial Hearing* (filed August 16, 2017) the Claimants were notified that failure to appear at the September 12, 2017 hearing would result in a recommendation that satisfies the BLM's objection. At that hearing, counsel for the BLM described to the court that the BLM's objection would be satisfied through the inclusion of

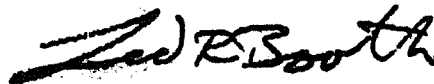
remarks under the Point of Diversion and the Place of Use elements of the water right. Accordingly, the attached recommendation includes those remarks. On September 19, 2017, the court received email correspondence from IDWR indicating that IDWR approves of the remarks.

As to the Claimant's assertion that the water right is for two homes rather than one, the Claimants have not produced any evidence to overcome the presumption that the *Director's Report* is correct and therefore, this Special Master does not recommend any changes regarding the Claimant's correspondence.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 94-07487 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. 21, 2017.



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 94-07487

NAME AND ADDRESS: CLIFFORD M HINSZ
KATHY JO HINSZ
BOX 810
WALLACE, ID 83873

SOURCE: SPRINGS TRIBUTARY: CANYON CREEK

QUANTITY: 0.04 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1907

POINT OF DIVERSION: T48N R04E S24 SWSE Within Shoshone County
SWSE
SWSE
SWSE
SWSE

Points of diversion are located in Mineral Survey No. 2321.

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	0.02 CFS

Domestic use is for 1 home.

PLACE OF USE:	Stockwater		Within Shoshone County
	T48N R04E S24	SWSE	
Domestic	T48N R04E S24	SESW	Within Shoshone County
	S25	NWNE	SWSE
			NENW

This water right does not include any federal land.

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

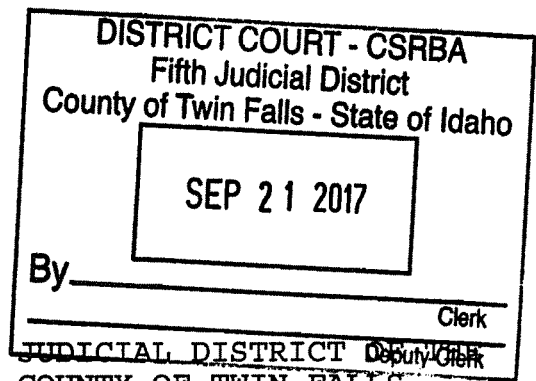
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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).

RECOMMENDATION

SEP 21 2017

Lawrence R. Smith
SPECIAL MASTER



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
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

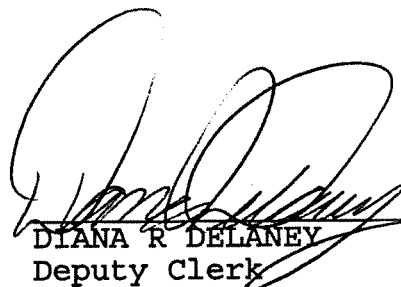
Water Right(s): 94-07487

On September 21, 2017, 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 21, 2017.


DIANA R. DELANEY
Deputy Clerk

DISTRICT COURT - CSRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 21 2017	
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): 94-07487

CERTIFICATE OF MAILING

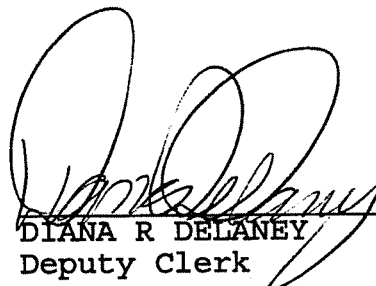
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 21, 2017, with sufficient first-class postage prepaid to the following:

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

CLIFFORD M HINSZ
KATHY JO HINSZ
BOX 810
WALLACE, ID 83873
Phone: 208-752-4332

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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