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MAY - 7 2003

Department of Water Resources

2003 MAY -6 PM 4: 38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION; FINDINGS OF
Case No. 39576	)	FACT AND CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHTS: 31-07054C,
		31-11786 and 31-11787

I. FINDINGS OF FACT

A notice of claim was filed for water right 31-07054C pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

The United States Bureau of Land Management filed an *Objection* on September 7, 2001. A *Notice of Completed Administrative Proceeding* was filed on March 28, 2003, disallowing 31-07054C and splitting this right into assigned water right numbers 31-11786 and 31-11787. The NCAP resolved the objection filed by the BLM. The United States Bureau of Land Management filed a *Motion to Dismiss Objection* on April 7, 2003. There are no unresolved objections remaining in this subcase.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 31-07054C **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-11786 and 32-11786 be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: May 6, 2003.


BRIGETTE BILYEU

Special Master
Snake River Basin Adjudication

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PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-11786

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RECOMMENDATION

MAY - 6 2003

Ricetta Schen

SPECIAL MASTER

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 31-11787

2003 MAY -6 PM 4:38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *lc*

NAME AND ADDRESS: PORT OF ENTRY TRAVEL CENTER
PO BOX 2895
NORRIS, MT 59745

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SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
21.00 AFY

Department of Water Resources

PRIORITY DATE: 09/07/1971

POINT OF DIVERSION: T06N R36E S23 NWSEW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.12 CFS 21.00 AFY

COMMERCIAL USE IS FOR A TRAVEL CENTER INCLUDING A
RESTAURANT, STORE, SHOWERS, REST ROOMS, OFFICES, COMMON AREAS,
AUTO FACILITIES AND LANDSCAPING.

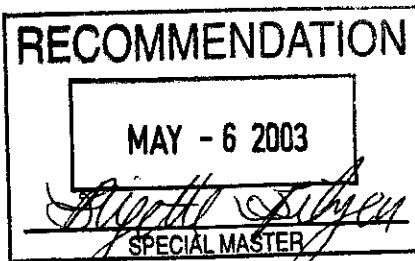
PLACE OF USE: Commercial Within Jefferson County
T06N R36E S23 SESW

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

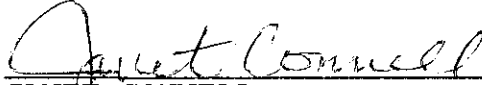
Water Right(s): 31-07054C
31-11786 31-11787

On May 06, 2003, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, 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 May 06, 2003.


JANET CONNELL
Deputy Clerk

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 31-07054C

31-11786 31-11787

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 May 06, 2003, with sufficient first-class postage prepaid to the following:

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

KAREN BRASSANINI
PAULO BRASSANINI
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

PAULO & KAREN ANN BRASSANINI
PO BOX 104
TERRETON, ID 83450

PORT OF ENTRY TRAVEL CENTER
PO BOX 2895
NORRIS, MT 59745

CERTIFICATE OF MAILING

Janet Connell PAGE 1
JANET CONNELL 05/06/03
Deputy Clerk