

2003 FEB 12 PM 2:22

FILED
TWIN FALLS, IDAHO
SRBA

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-09483
	)	

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water right 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 or abstract for the elements of this water right.

An objection to this water right was filed by Emmett Irrigation District. Subsequently, on July 1, 2002, a *Standard Form 5/Stipulated Elements* was filed. All parties and IDWR are signatures to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 65-09483 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 12, 2003.


THOMAS R. CUSHMAN
Special Master
Snake 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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-09483

2003 FEB 12 PM 2:22

FILED
CLERK OF DISTRICT COURT
FIFTH JUDICIAL DISTRICT
IDAHO

NAME AND ADDRESS: REGIONAL DIRECTOR, PN REGION
REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE, ID 83706-1234

A BENEFICIAL USE OF A PORTION OF THE WATER REPRESENTED HEREBY IS
MADE BY THE LANDOWNERS WITHIN EMMETT IRRIGATION DISTRICT AND BY
INDIVIDUALS WHO HAVE ENTERED INTO CONTRACTS WITH THE UNITED
STATES FOR IRRIGATION WATER FROM THIS STORAGE RESERVOIR. SUCH
BENEFICIAL USE IS SUBJECT TO AND PURSUANT TO CONTRACT WITH THE
UNITED STATES (AS MAY HEREAFTER BE SUPPLEMENTED OR AMENDED) FOR
IRRIGATION AND OTHER PERMITTED PURPOSES AS AUTHORIZED BY LAW
AND CONTRACTS.

SOURCE: DEADWOOD RIVER TRIBUTARY: PAYETTE RIVER, SOUTH FORK

QUANTITY: 163000.00 AFY

TOTAL RESERVOIR CAPACITY IS 163,000 ACRE FEET WHEN FILLED TO
ELEVATION 5334' AND MEASURED AT THE UPSTREAM FACE OF THE DAM.
TOTAL RESERVOIR CAPACITY IS 700,000 AF WHEN FILLED TO ELEVATION
4828 FEET AND MEASURED AT THE UPSTREAM FACE OF THE DAM. THIS
TOTAL CAPACITY IS EQUAL TO THE COMBINED QUANTITIES OF WATER
RIGHTS 65-2927A AND 65-2927B.

PRIORITY DATE: 12/31/1926

POINT OF DIVERSION: T11N R07E S08 SWSE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	163000.00 AFY
	Irrigation from Storage	04-01 TO 11-01	163000.00 AFY

PLACE OF USE:	Irrigation Storage	Within Payette County
	Same as Irrigation from Storage	Within Gem County
	Same as Irrigation from Storage	Within Boise County
	Same as Irrigation from Storage	
	Irrigation from Storage	Within Payette County
	Same as Irrigation Storage	Within Gem County
	Same as Irrigation Storage	Within Boise County
	Same as Irrigation Storage	

PLACE OF USE IS WITHIN BOISE, GEM AND PAYETTE COUNTY.

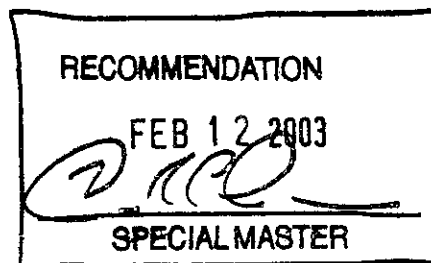
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



2003 FEB 12 PM 2:22

FILED
TWIN FALLS, IDAHO
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 SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 65-09483

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 February 12, 2003, with sufficient first-class postage prepaid to the following:

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

EMMETT IRRIGATION DISTRICT

Represented by:
BERT L. OSBORN
PO BOX 158
26 S 9TH STREET
PAYETTE, ID 83661
Phone: 208-642-4458

REGIONAL DIRECTOR, PN REGION
REGIONAL DIRECTOR, PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD
BOISE, ID 83706-1234
Phone: 208-378-5155

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

PAGE 1
02/12/03

2003 FEB 12 PM 2:22

FILED T-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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

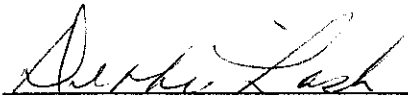
Water Right(s): 65-09483

On February 12, 2003, Special Master THOMAS R CUSHMAN 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 February 12, 2003.



DEBBIE LASH
Deputy Clerk