

2003 JUL -1 AM 11:07

DISTRICT COURT - SRBA
TWIN FALLS, 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	)	AMENDED SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 65-03202X and 65-03203
_____	)	

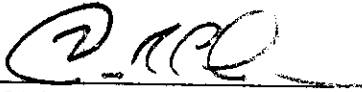
I. FINDINGS OF FACT

A *Special Master's Report and Recommendation* was issued on May 23, 2003, in the above listed subcases.

On July 1, 2003, the SRBA District Court received an e-mail regarding correcting the tributary from Payette River to North Fork Payette River.

Therefore based on the file and record herein and pursuant to the paper copy of the *Director's Report*, IT IS RECOMMENDED that water rights 65-03202X and 65-03203 be decreed with the elements as set forth in the attached *Amended Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*. The deadline for filing motions to alter or amend has expired. This change does not constitute an addition deadline for motions to alter or amend.

DATED July 1, 2003.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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DISTRICT COURT - SR3A
TWIN FALLS, IDAHO
FILED *DL*

**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

) SUBCASE: 65-03202X & 65-03203
)

Case No. 39576

) CERTIFICATE OF MAILING
)
)

I certify that a true and correct copy of the AMENDED SPECIAL MASTER'S REPORT
AND RECOMMENDATION FOR PARTIAL DECREE were mailed July 1, 2003, to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Bureau of Reclamation
550 West Fort Street, MSC 033
Boise, Idaho 83724

William A Maki
P O Box 686
Lake Fork, Idaho 83635

Deputy 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 SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03203

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DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: WILLIAM A MAKI
PO BOX 686
LAKE FORK, ID 83635

SOURCE: LAKE FORK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.26 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT 65-03202X SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 11/14/1904

POINT OF DIVERSION: T17N R03E S03 SENE Within Valley County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	05-01 TO 09-15	0.26 CFS

PLACE OF USE:

PLACE OF USE	QUANTITY
Irrigation	Within Valley County
T17N R03E S16	NWNE 32.0
72.0 Acres Total	SWNE 40.0

USE OF THIS RIGHT WITH RIGHT NO. 65-03202X IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72 ACRES IN A SINGLE
IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

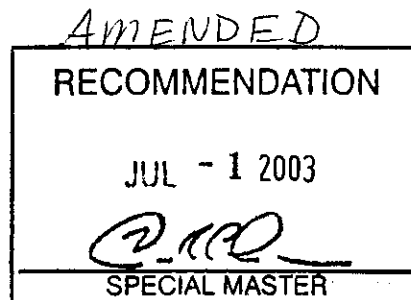
THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY
TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW
IN THE EVENT OF INJURY.

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



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 65-03202X

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FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: WILLIAM A MAKI
PO BOX 686
LAKE FORK, ID 83635

SOURCE: LAKE FORK TRIBUTARY: NORTH FORK PAYETTE RIVER

QUANTITY: 0.88 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-03203 SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/30/1903

POINT OF DIVERSION: T17N R03E S03 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	0.88 CFS

PLACE OF USE: Irrigation Within Valley County
T17N R03E S16 NWNE 32.0 SWNE 40.0
72.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 65-03203 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72 ACRES IN A SINGLE
IRRIGATION SEASON.

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

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

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FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY
TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW
IN THE EVENT OF INJURY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

