

DISTRICT CLERK-SRBA
TWIN FALLS CO., IDAHO
FILED

relied on at that time showed the section line as running down a road located a few feet from the well. Based on that map, the legal description of the point of diversion was described in section 7.

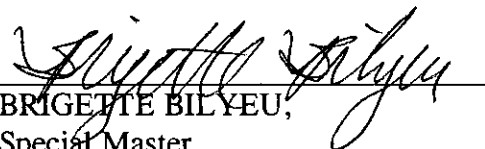
Prior to this water right being decreed in the SRBA, IDWR visited the well and took a GPS measurement of the well. That GPS measurement showed the dividing line between section 7 and section 18 differently than on the topograph map. Based on the GPS measurement, IDWR described the well in section 18. The well was never moved, but the technology for locating the well has changed.

At the hearing on the *Motion to Set Aside*, IDWR indicated that it is not improper to describe the point of diversion at the original legal description. The reason is that the well is located so close to the section line that it falls within the margin of error of IDWR's GPS technology. According to IDWR, the legal description for the well could be on either side of the line, or it could fall precisely on the line.

CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Motion to Set Aside Partial Decree* be **granted** and that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

Dated August 28, 2003.


BRIGETTE BILYEU,
Special Master
Snake River Basin Adjudication

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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Aug-28-2003

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AUG 29 2003

Department of Water Resources
2003 AUG 28 PM 3: 28

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

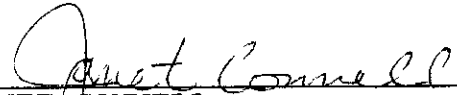
Water Right(s): 37-07242

On August 28, 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 August 28, 2003.


JANET CONNELL
Deputy Clerk

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AUG 28 2003

Department of Water Resources

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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 SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 37-07242

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 August 28, 2003, with sufficient first-class postage prepaid to the following:

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

FAULKNER LAND & LIVESTOCK
CO INC
1989 S 1875 E
GOODING, ID 83330
Phone: 208-934-4956


JANET CONNELL
Deputy Clerk

CERTIFICATE OF MAILING

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