

2003 SEP 10 PM 2:53

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED SE

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     |
|                | ) |                                 |
|                | ) |                                 |
| _____          | ) | WATER RIGHT NOS.: 37-02532A and |
|                |   | 37-02804A                       |

I. FINDINGS OF FACT

Claims were filed for the above listed water rights 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 recommendations for the elements of these water rights.

No objections were filed for water rights 37-02532A and 37-02804A. Water rights 37-02532A and 37-02804A, however, are used in combination with water right 37-02645 which was the subject of an *Objection*. A *Standard Form 5* was filed on August 1, 2003, disallowing 37-02645 and splitting that right into assigned water right numbers 37-20840 and 37-20841. All parties to that subcase and IDWR are signatories to the *Standard Form*. There are no unresolved objections remaining.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: September 10, 2003.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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In Re SRBA )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

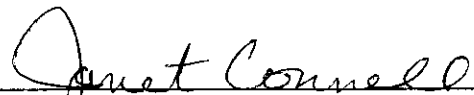
Water Right(s): 37-02532A  
37-02804A

On September 10, 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 September 10, 2003.

  
JANET CONNELL  
Deputy Clerk

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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): 37-02532A  
37-02804A

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 10, 2003, with sufficient first-class postage prepaid to the following:

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

NOTCH BUTTE FARMS LLC  
Represented by:  
JOHN T LEZAMIZ  
PO BOX 389  
TWIN FALLS, ID 83303-0389  
Phone: 208-734-7510

  
JANET CONNELL  
Deputy Clerk

CERTIFICATE OF MAILING

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