

2003 OCT 14 PM 3: 34

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

Water Right 63-25099

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED _____

QUANTITY: 0.02 CFS

PRIORITY DATE: 05/29/1905

PURPOSE AND

PLACE OF USE: Stockwater Within Elmore County

T03N R11E S03	LOT 2	(NWNE)	LOT 3	(NENW)
		SENW		NESW
		SWSW		SESW
	S09 LOT 7	(NESE)	LOT 7	(SESE)
	S10	NWNW		SWNW
		NWSW		
T04N R11E S23		SWSE		SESE
	S24	SENE		NESW
		NWSW		SWSW
		NESE		NWSE
	S26	NWNE		SWNE
		NESW		SWSW
		SESW		NWSE
	S34	NENE		SWNE
		SENE		NWSE
		SWSE		
	S35	NWNW		
R12E S03	LOT 4	(NWNW)		SWNW
		SENW		NESW
		SESW		
	S08	SESE		
	S09	NENE		SWNE
		SENE		NESW
		NWSW		SWSW
		NWSE		
	S10	NENW		NWNW
	S17	NENE		NWNE
		SWNE		SENW
		NESW		NWSW
		SWSW		
	S18	SWSE		SESE
	S19	NWNE		NENW
	LOT 1	(NWNW)	LOT 2	(SWNW)
T05N R12E S34		SWNW		NWSW
		SWSW		

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

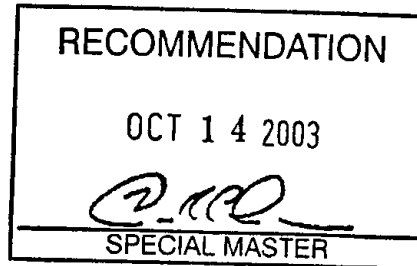
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

OCT 15 2003

Department of Water Resources

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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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS
	)	(SEE ATTACHED EXHIBIT A)

I. FINDINGS OF FACT

A notice of claim was filed for these 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 a recommendation or abstract for the elements of these water rights.

An objection was filed to the above listed water rights by the State of Idaho, objecting to the priority date.

All objections to these water rights were resolved with the filing of *Standard Form's 5*. All parties to the subcase and IDWR are signatories to the *Standard Form's 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form's 5*, it is RECOMMENDED that these water rights be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATE October 14, 2003.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

63-25014
63-25016
63-25025
63-25026
63-25044
63-25048
63-25050
63-25058
63-25081
63-25096
63-25099
63-25100
63-25109

(Subcase list: 63 US/ST)
10/09/03

DISTRICT COURT-SPBA
TWIN FALLS CO. IDAHO
FILED

In Re SRBA)
)
Case No. 39576)
)

Water Right(s): 63-25014
(SEE ATTACHED EXHIBIT A)

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 October 14, 2003, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA

Represented by:

DAVID NEGRI

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATURAL RESOURCE

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

STATE OF IDAHO, DEPT OF LANDS

Represented by:

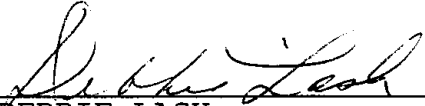
NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449



DEBBIE LASH
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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): 63-25014
(SEE ATTACHED EXHIBIT A)

On October 14, 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 October 14, 2003.

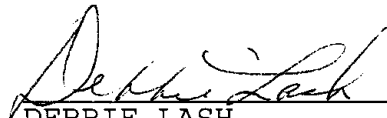

DEBBIE LASH
Deputy Clerk

Exhibit A

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