

2003 OCT 15 PM 12: 59

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

) SPECIAL MASTER'S REPORT

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW;

) FOR WATER RIGHT 63-21814
)

I. FINDINGS OF FACT

A notice of claim was filed for this 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.

A *Partial Decree* was issued on March 31, 2000, recommending the water right to Raymond and Lynne Ball, with a point of diversion at T04N, R02E, S32, SESENW.

On July 11, 2003, Matthew K Wilde, Assistant City Attorney for the City of Boise, filed a correspondence seeking to change the point of diversion for water right 63-21814. Although the correspondence did not request change of ownership a *Standard Form 5/Amended Claim* indicates the City of Boise is the current claimant for water right 63-21814. All parties and IDWR are signatories to the SF5.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein and pursuant to the *Standard Form 5/Amended Claim*, IT IS RECOMMENDED that the *Partial Decree* for water right 63-21814 be set aside and decreed with the elements as set forth in the attached *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: October 15, 2003.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

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DISTRICT COURT-SR2A
TWIN FALLS CO., IDAHO
FILED _____

QUANTITY: 0.04 CFS

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CERTIFICATE OF MAILING

Water Right(s) : 63-21814

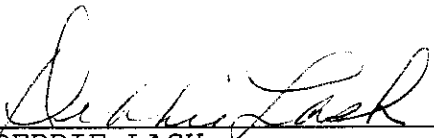
CERTIFICATE OF MAILING

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 October 15, 2003, with sufficient first-class postage prepaid to
the following:

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

CITY OF BOISE

Represented by:
MATTHEW K. WILDE
PO BOX 500
BOISE, ID 83701-0500
Phone: 208-384-3870


DEBBIE LASH
Deputy Clerk

CERTIFICATE OF MAILING

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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): 63-21814

On October 15, 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 15, 2003.


DEBBIE LASH
Deputy Clerk