

2003 OCT 15 PM 1:00

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
	)	
	)	FINDINGS OF FACT AND
Case No. 39576	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 65-22520, 65-
	)	22522, 65-22523, 65-22524, 65-22526, 65-
	)	22528, 65-22529 and 65-22530

I. FINDINGS OF FACT

A notice of claim was 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* recommended these claims be disallowed.

On January 18, 2002, objections were filed to all the water rights listed above by CC, LLC. On November 29, 2002, a *Standard Form 5* was filed recommending water right 65-22526. All parties and IDWR were signatures to the *Standard Form 5*.

At hearing set for June 20, 2003, the claimant motioned to withdraw the objections to the remaining water rights. The motion to withdraw objections was **granted** from the bench.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 65-22526 be decreed with elements as set forth in the attached *Recommendation for Partial Decree pursuant to I.R.C.P 54(b)*.

IT IS FURTHER RECOMMENDED that water rights 65-22520, 65-22522, 65-22523, 65-22524, 65-22528, 65-22529 and 65-22530 be decreed as **disallowed**.

DATED October 15, 2003.


THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

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QUANTITY: 0.12 CFS

PRIORITY DATE: 10/20/1977

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

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).

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.

RECOMMENDATION

OCT 15 2003

[Signature]

SPECIAL MASTER

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In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 65-22520
65-22522 65-22523 65-22524
65-22526 65-22528 65-22529
65-22530

CERTIFICATE OF MAILING

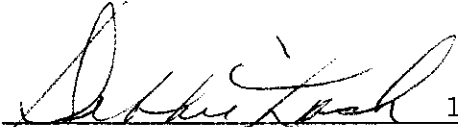
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 15, 2003, with sufficient first-class postage prepaid to the following:

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

C/C LLC
CC LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

EASTERN WESTERN CORP
MICHAEL E MC GINLEY PRESIDENT
1426 SE GIDEON ST
PO BOX 3228
PORTLAND, OR 97208-3228
Phone: 503-236-1978

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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10/15/03

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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 65-22520
65-22522 65-22523 65-22524
65-22526 65-22528 65-22529
65-22530

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