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OCT 17 2003

Department of Water Resources

2003 OCT 16 AM 11:00

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: 63-31297,
	)	63-31358, 63-04631E, 63-04631D
	)	and 63-04631C

I. FINDINGS OF FACT

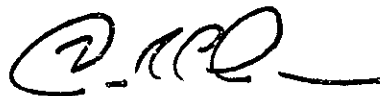
Notices of claims were filed for these water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

All objections to these water right were resolved with the filing of *Standard Form's 5*. All parties to the subcases 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 water rights 63-31297, 63-31358, 63-4631E, 63-4631D and 63-4631C 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

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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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-04631C
63-04631D 63-04631E 63-31297
63-31358

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 16, 2003, with sufficient first-class postage prepaid to the following:

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

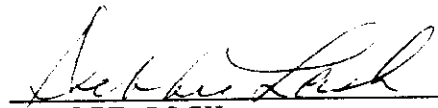
UNITED STATES OF AMERICA

Represented by:

DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SOUTH FORK RANCH SUBDIVISION
C/O CALMER OR ENIDE JOHNSON
1782 N HASKETT ST
MOUNTAIN HOME, ID 83647-1674

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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10/16/03

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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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

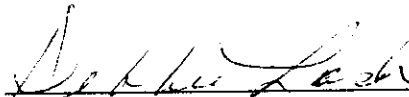
Water Right(s): 63-04631C
63-04631D 63-04631E 63-31297
63-31358

On October 16, 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 16, 2003.


DEBBIE LASH
Deputy Clerk

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-04631E

2003 OCT 16 AM 11:00

FILED
TWIN FALLS, IDAHO
CLERK OF DISTRICT COURT
J. L. HARRIS

NAME AND ADDRESS: SOUTH FORK RANCH SUBDIVISION
C/O CALMER OR ENIDE JOHNSON
1782 N HASKETT ST
MOUNTAIN HOME, ID 83647-1674

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SOURCE: BIG WATER GULCH TRIBUTARY: SOUTH FORK BOISE RIVER
LITTLE WATER GULCH TRIBUTARY: SOUTH FORK BOISE RIVER
VAN GULCH TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 1.40 CFS

USE OF THIS RIGHT WITH RIGHT NO. 63-31358 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS PER ACRE AT FIELD HEADGATE.

PRIORITY DATE: 10/05/1899

POINT OF DIVERSION: T03N R11E S11 NESE Within Elmore County
S12 NWNE
NESW
LOT 7 (SESE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.40 CFS

PLACE OF USE:	Irrigation	Within Elmore County
T03N R11E S11	NESW 1.0	SWSW 1.0
	NESE 3.0	NWSE 4.0
	SESE 4.5	
S12	SWSW 1.0	
	14.5 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 63-31358 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 14.5 ACRES IN A SINGLE
IRRIGATION SEASON.

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

ALL PLACES OF USE ARE ON PRIVATE LAND WITHIN HOMESTEAD ENTRY
SURVEY (HES) 149.

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).

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Department of Water Resources

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

